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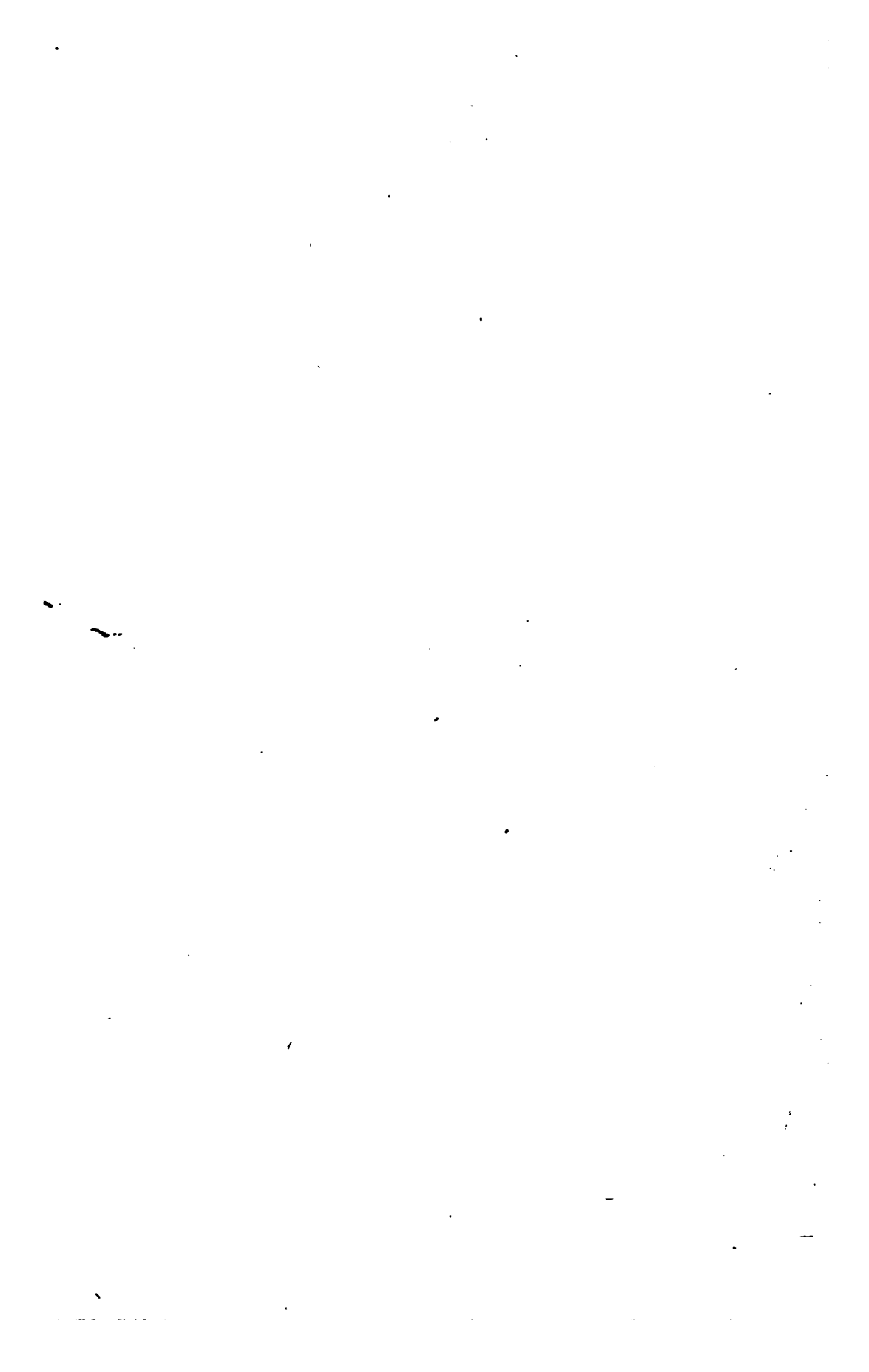
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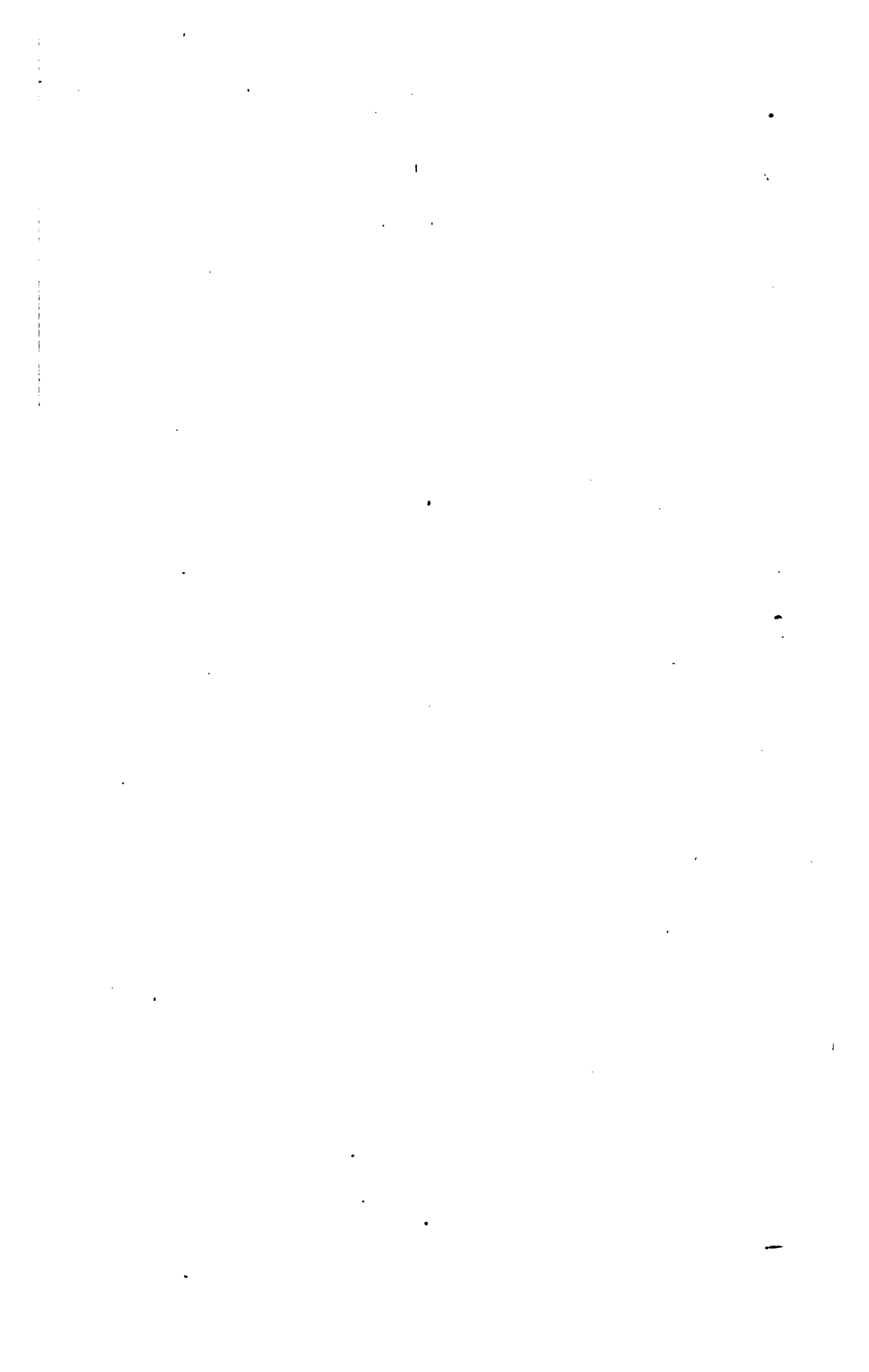
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ACTS OF A GENERAL NATURE .

PASSED BY THE

FORTY THIRD GENERAL ASSEMBLY

OF THE

STATE OF OHIO,

BEGUN AND HELD IN THE CITY OF COLUMBUS,

DECEMBER 4, 1844,

AND

IN THE FORTY THIRD YEAR OF SAID STATE.

VOL. XLIII.

COLUMBUS:

SAMUEL MEDARY, STATE PRINTER.

1845.

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ACTS OF A GENERAL NATURE.

AN ACT

To amend an act entitled "An act further to amend an act defining the duties of County Treasurers, and for other purposes," passed March 12, 1844.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That where any tract of land or town lots shall be returned delinquent for the nonpayment of taxes, and placed on the duplicate of the succeeding year, and the owner, or person liable to pay taxes therefor, shall produce the receipt of the treasurer for such taxes of the preceding year, it shall not be lawful for the county auditor or treasurer to make any deduction from the duplicate of such tax, interest or penalty, but the same shall be chargeable to the treasurer, as if such receipt had not been produced; provided that it shall be the duty of the treasurer to receive such receipt in discharge of the tax for the year that is returned delinquent, with the interest and penalty. And the auditor of the county shall credit such treasurer with the amount, and shall forthwith proceed by action of debt to collect such tax, interest, or penalty from the treasurer who gave such receipt; and it shall be the duty of the prosecuting attorney to attend to any such suit so commenced by the auditor.

When a receipt is produced by the owner of lands advertised as delinquent no deduction to be made from duplicate.

—Such receipt good for said tax, &c.

SEC. 2. That it shall not be lawful for any county treasurer, acting under the act to which this is an amendment, to distrain any property which is, by the general laws of this state, exempt from execution.

Property exempt from execution not to be distrained.

SEC. 3. This act to take effect from and after its passage.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

December 21, 1844.

AN ACT

To regulate the manner and form of executing the printing ordered by the General Assembly, or either branch thereof.

Public printing,
how executed.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That in the execution of the printing of all public documents, reports of committees, and all other reports and memorials, ordered by the general assembly, or either branch thereof, or which shall be printed in pursuance of the joint rules of the general assembly, or the rules of either branch thereof, it shall be the duty of the state printer to print them without titlepages, and in such manner that the whole matter shall follow in close order from the first page.

Public officers to
examine such
printing, &c.

SEC. 2. That it shall not be lawful for the auditor, treasurer, and secretary of state to approve any account of the state printer until they, and each of them, shall have personally examined his account, and counted and measured his work, and ascertained that the work is executed according to law, and the account just and true; and if, on said examination, they shall find any titlepages, or any unnecessary blanks or blank pages, the same shall not be computed in the account of said state printer; and, moreover, the value of the paper needlessly wasted therefor shall be deducted from the account of said state printer.

State Printer liable
for waste.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

December 26, 1844.

AN ACT

To provide for the printing of the Ohio Reports.

Secretary of
State to adver-
tise to printers
and receive pro-
posals;

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the secretary of state shall, on the first day of November next, give notice in the newspapers printed in the city of Columbus, that sealed proposals will be received at his office until the second Monday of December next thereafter, for the printing of fifteen hundred copies of the reports of cases decided in the supreme court in bank, at the December term, one thousand eight hundred and forty five, which shall be printed in the same form and style as the eleventh and twelfth volumes of Ohio Reports; such proposals to specify the price per thousand ems for composition, and the price per token for presswork, the token to consist of one hundred and twenty five sheets, printed on both sides.

SEC. 2. The secretary shall, in like manner, give notice and receive proposals for binding the said reports; the proposals to specify the price for binding in good law-sheep, and also the rate at which said reports will be put up in paper covers.

—and give notice to binders.

SEC. 3. That on the second Monday of December the said secretary shall, in the presence of the auditor and treasurer of state, open all such proposals by him received; and the secretary, auditor, and treasurer, or any two of them, on examining said proposals, shall accept the proposition of the lowest bidder for said printing, and the proposition of the lowest bidder for binding, and contract with him, or them, for the execution of said printing and binding, on bond being given, in compliance with the provisions of this act.

Shall open proposals;

—and accept that of the lowest bidder;

SEC. 4. That the successful bidders for said printing and binding shall each, within three days after the acceptance of his or their proposals, as aforesaid, and notice of said acceptance, enter into bonds to the State of Ohio, with two or more sureties, to be approved by the secretary of state, in the sum of three thousand dollars each, conditioned for the faithful performance of said printing or binding, as the case may be, pursuant to his contract, and in compliance with the provisions of this act, which bonds shall be deposited in the office of the treasurer of state; and if said bidders, or either of them, shall fail to give bond, as aforesaid, within three days after written notice has been given, as aforesaid, by said secretary, then said contract shall be given to the next lowest bidder therefor, who will give such bond.

—who shall enter into bonds.

In case of failure the next lowest bidder to receive the contract.

SEC. 5. The printing of said reports shall be completed within ninety days after the adjournment of the said court in bank, and the binding of said reports shall be completed in four weeks from the time they are delivered to the binder.

Time allowed for printing, &c.

SEC. 6. That the secretary, auditor, and treasurer, or any two of them, shall examine and certify to the correctness of the accounts for such printing and binding before they shall be paid; and when any such account shall be so certified to be correct, the auditor of state shall draw bills upon the treasury for the payment thereof, out of any moneys appropriated for the state printing.

Secretary, &c., to examine and certify to the correctness of said printing and binding.

SEC. 7. That hereafter the secretary shall, annually, on the first Monday of November, give notice, as provided in the first and second sections of this act, and receive proposals until the second Monday in December, which proposals shall be opened, and contract let for the printing and binding of the ensuing volumes of the Ohio Reports, after the year one thousand eight hundred and forty five; and such printing and binding shall be executed, and the accounts therefor audited and paid, in the same manner as hereinbefore provided.

The same course to be pursued annually thereafter

SEC. 8. That the paper for printing said Ohio reports shall be furnished to the contractor by the state, in the same manner that paper for other printing is furnished for the state printing; and the secretary of state shall deliver over to the

Paper to be furnished as in other state printing.

printer of said reports the necessary paper for the printing thereof, and take and keep an accurate account and receipts therefor.

Duty of secretary, &c.

SEC. 9. That it shall be the duty of the secretary of state, forthwith, to call on the state printer for the printed sheets of the reports of the court in bank of December term, one thousand eight hundred and forty four, and, as soon as the volume is printed, the secretary shall procure the same to be bound, such portion as he may deem best in good law sheepskin binding, and the residue either stitched or in boards; and for that purpose the secretary shall advertise for proposals for such binding, at such time and in such manner as the secretary shall deem most advisable for the early accomplishment of the work.

Part of certain act repealed.

SEC. 10. That the third section of the act passed February twenty eight, one thousand eight hundred and forty two, entitled "an act to amend the act entitled 'an act to establish a court in bank, and to regulate its practice,'" be and the same is hereby, repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

January 11, 1845.

AN ACT

To limit prosecutions for certain offences, misdemeanors and immoral practices.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That no person shall be indicted or criminally prosecuted for any offence, misdemeanor, or immoral practice, made punishable by the criminal laws of this state, and the prosecution of which is not limited by law, except such as are punishable capitally or by imprisonment in the penitentiary, unless such indictment shall be found, or such prosecution commenced, within three years from the time such offence, misdemeanor, or immoral practice was committed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

January 15, 1845.

AN ACT

To amend the several acts now in force in relation to forcible entry and detainer.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That in all actions of forcible entry and detainer, or forcible detainer only, it shall be lawful for any constable of the proper county to serve all writs issued by any justice of the peace, in relation thereto, in the same manner that sheriffs were required by law to do before the passage of this act. In what cases constables may serve writs.

SEC. 2. That constables shall be allowed the following fees Fees therefor. for their services under the provisions of this act, viz:

For summoning a jury, sixty cents, and mileage as in other cases.

For serving a writ of restitution, fifty cents, and mileage as in other cases.

For serving summons, twenty five cents, and mileage as in other cases.

And for attending trial, fifty cents.

SEC. 3. That in all actions of forcible entry and detainer, or of forcible detainer only, if either party demand a jury, it shall be the duty of the justice before whom said suit is pending, to require of the party, making such demand, to advance the fee of said jury, or require said party to give satisfactory security for the payment of said fee, in case said party shall be condemned in said suit, and upon the giving of bail, or advancing the fee, the justice shall proceed to impanel a jury and cause a venire to be served in the manner pointed out by the act to allow juries before justices of the peace, passed February 14, 1840, but if the party demanding the jury fail to make the advance, or give bail for the payment of the fee, it shall be the duty of the justice to proceed to trial, as though no jury had been demanded, but if the jury fee shall have been advanced, it shall be the duty of the justice to tax the same in the bill of costs, and pay it over when collected, to the successful party, if said fee shall have been advanced by said party; but if the party condemned, shall have paid the jury fee, the justice shall indorse said payment on the writ he may issue for the collection of costs, and the same shall not be again collected. When a jury is demanded before a justice of the peace, his duty, &c.

No jury shall be impaneled unless, &c.

SEC. 4. That all acts and parts of acts which are inconsistent with the provisions of this act, be and the same are hereby repealed. This act to take effect and be in force from and after the first day of May next. Parts of certain acts repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

January 15, 1845.

AN ACT

To amend act entitled an "An act prescribing the duties of supervisors, and relating to roads and highways," passed March 20, 1837.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the allowance made to supervisors by the twenty first and thirty first sections of the act to which this act is an amendment be reduced from one dollar to seventy five cents per day.

SEC. 2. This act to take effect from and after the first day of April next.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

January 15, 1845.

AN ACT

To divide the third Brigade, in the Sixteenth Division of the Ohio Militia.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio* That the county of Clinton shall form the third brigade, and the county of Fayette shall form the fourth brigade, of the sixteenth division of Ohio militia.

SEC. 2. That so much of the act of March fourth, one thousand eight hundred and thirty seven, "to organize and discipline the militia," as is inconsistent with the provisions of this act, is hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

January 29, 1845.

AN ACT

To amend an act entitled "An act granting licenses and regulating taverns."

Remonstrance in
all cases to be re-
ceived by court.

SEC 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever any remonstrance shall be presented to any court of common pleas in this state against granting any tavern license, petitioned for, it shall be the duty of the court to receive and consider the same, whether such remonstrance shall contain any statement of facts other than the general

dissent of the remonstrants, or not, and on consideration of such remonstrance, whether any testimony is offered to the court or not, by the remonstrants, and on consideration of any petition for tavern license, whether remonstrated against or not, the court may, in its discretion, grant or refuse the license prayed for, notwithstanding the applicant may have proved all the qualifications required by law to authorize the court to grant such license.

Giving courts, in all cases, full power to grant or refuse.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate

February 3, 1845.

AN ACT

Fixing the times of holding the Supreme Court.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the Supreme Court shall be held in the several counties in this State, for the year one thousand eight hundred and forty five, on the days, and at the times hereinafter specified, to wit:

Columbiana, on Thursday, February twenty seventh;
Jefferson, Monday, March third;
Belmont, Friday, March seventh;
Washington, Monday, March tenth;
Morgan, Friday, March fourteenth;
Meigs, Wednesday, March nineteenth;
Gallia, Saturday, March twenty second;
Lawrence, Wednesday, March twenty sixth;
Scioto, Saturday, March twenty ninth;
Adams, Thursday, April third;
Brown, Monday, April seventh;
Clermont, Friday, April eleventh;
Hamilton, Monday, April fourteenth;
Butler, Tuesday, May twentieth;
Warren, Friday, May twenty third;
Clinton, Monday, May twenty sixth;
Highland, Friday, May thirtieth;
Fayette, Monday, June second;
Madison, Thursday, June fifth;
Clark, Saturday, June seventh;
Greene, Monday, June ninth;
Montgomery, Wednesday, June eleventh;
Preble, Monday, June twenty third;
Darke, Wednesday, June twenty fifth;
Miami, Saturday, June twenty eighth;

Shelby, Thursday, July third;
 Mercer, Saturday, July fifth;
 Allen, Wednesday, July ninth;
 Hardin, Saturday, July twelfth;
 Logan, Monday, July fourteenth;
 Champaign, Wednesday, July sixteenth;
 Union, Saturday, July nineteenth;
 Delaware, Monday, July twenty first;
 Marion, Friday, July twenty fifth;
 Crawford, Saturday, July twenty sixth;
 Seneca, Monday, July twenty eighth;
 Hancock, Wednesday, July thirtieth;
 Putnam, Friday, August first;
 Vanwert, Monday, August fourth;
 Paulding, Wednesday, August sixth;
 Williams, Friday, August eighth;
 Henry, Monday, August eleventh;
 Lucas, Wednesday, August fourteenth;
 Wood, Friday, August sixteenth;
 Ottawa, Monday, August eighteenth;
 Sandusky, Wednesday, August twentieth;
 Erie, Friday, August twenty second;
 Huron, Thursday, August twenty eighth;
 Lorain, Monday, September first;
 Cuyahoga, Thursday, September fourth;
 Geauga, Saturday, September thirteenth;
 Lake, Wednesday, September seventeenth;
 Ashtabula, Monday, September twenty second;
 Trumbull, Friday, September twenty sixth;
 Portage, Wednesday, October first;
 Summit, Monday, October sixth;
 Medina, Friday, October tenth;
 Wayne, Monday, October thirteenth;
 Richland, Friday, October seventeenth;
 Knox, Thursday, October twenty third;
 Licking, Monday, October twenty seventh;
 Coshocton, Thursday, October thirtieth;
 Holmes, Saturday, November first;
 Tuscarawas, Monday, November third;
 Stark, Thursday, November sixth;
 Carroll, Monday, November tenth;
 Harrison, Thursday, November thirteenth;
 Monroe, Monday, November seventeenth;
 Guernsey, Wednesday, November nineteenth;
 Muskingum, Wednesday, November twenty sixth;
 Perry, Monday, December first;
 Fairfield, Wednesday, December third;
 Hocking, Saturday, December thirteenth;
 Athens, Monday, December fifteenth;
 Jackson, Thursday, December eighteenth;
 Pike, Saturday, December twentieth;

Ross, Wednesday, December twenty fourth;
 Pickaway, Monday, December twenty ninth;
 Franklin, Thursday, January first; and the Court in Bank Court in Bank.
 shall be held on Monday, the fifth day of January, eighteen
 hundred and forty six.

The act entitled an act fixing the times of holding the Su- Repealing act.
 preme Court of Ohio, for the year eighteen hundred and forty
 five, and the act amendatory thereto, are repealed.

Sec. 2. The Supreme Court is authorized, when the busi- Further provis-
 ness shall require, to continue its term in any county beyond
 the time allowed to said county; and if, for any cause, it shall
 so happen that said court shall fail to be held in any county,
 the court may, with consent of parties, hear and determine any
 of the issues pending in said court in such county, in any
 other convenient county; and said court shall have the same
 power, when there shall not be time in any county to dispose
 of the business of such county, to hear and determine, with the
 consent of parties, any business, thus undisposed of, in any
 other convenient county.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
 DAVID CHAMBERS,
Speaker of the Senate.

January 21, 1845.

AN ACT

To fix the times of holding the Court of Common Pleas.

Sec. 1. *Be it enacted by the General Assembly of the State* First circuit.
of Ohio, That the Court of Common Pleas shall be held in the
 several judicial circuits, at the times and places hereinafter
 prescribed, viz: In the county of Miami, on the fourth day of
 March, the eighth day of July, and the sixteenth day of Sep-
 tember; in the county of Darke, on the eighteenth day of
 March, the twenty second day of July, and the thirtieth day
 of September; in the county of Preble, on the twenty fifth day
 of March, the twenty ninth day of July, and the seventh day
 of October; in the county of Shelby, on the eighth day of April,
 the twelfth day of August, and the twenty first day of October;
 in the county of Mercer, on the fifteenth day of April, the nine-
 teenth day of August, and the twenty eighth day of October;
 and in the county of Montgomery, on the twenty second day
 of April, the twenty sixth day of August, and the fourth day
 of November.

Sec. 2. In the county of Crawford, on the twenty fifth day Second circuit.
 of February, the twenty seventh day of May, and tenth day
 of November; in the county of Seneca, on the fourth day

of March, third day of June, and twenty third day of September; in the county of Sandusky, on the eleventh day of March, tenth day of June, and thirtieth day of September; in the county of Ottawa, on the nineteenth day of March, and eighth day of October; in the county of Huron, on the twenty fourth day of March, seventeenth day of June, and fifteenth day of October; in the county of Erie, on the second day of April, twenty sixth day of June, and twenty third day of October; in the county of Marion, on the twenty eighth day of April, eighth day of July, and seventeenth day of November.

Third circuit.

SEC. 3. In the county of Summit, on the eleventh day of February, the twenty seventh day of May, and the ninth day of September; in the county of Portage, on the twenty fifth day of February, the twenty fourth day of June, and the seventh day of October; in the county of Ashtabula, on the thirty first day of March, the seventh day of July, and the twentieth day of October; and in the county of Trumbull, on the fifteenth day of April, and twenty first day of July, and the third day of November.

Fourth circuit.

SEC. 4. In the county of Muskingum, on the seventeenth day of February, the twenty sixth day of May, and the eighth day of September; in the county of Licking, on the tenth day of March, the sixteenth day of June, and the twenty ninth day of September; in the county of Coshocton, on the fourteenth day of April, the twenty eighth day of July, and the twentieth day of October; and in the county of Perry, on the thirty first day of March, on the eleventh day of August, and the third day of November.

Fifth.

SEC. 5. In the county of Tuscarawas, on the twenty fourth day of March, the twenty third day of June, and the fifteenth day of October; in the county of Columbiana, on the eighth day of April, the eighteenth day of August, and the twenty seventh day of October; in the county of Stark, on the fifth day of May, the first day of September, and on the twenty fourth day of November; and in the county of Carroll, on the twenty first day of April, the eleventh day of August, and on the seventeenth day of November.

Sixth.

SEC. 6. In the county of Fairfield, on the seventeenth day of February, the fifth day of May, and the eighth day of September; in the county of Hocking on the tenth day of March, the nineteenth day of May, and the twenty ninth day of September; in the county of Ross, on the seventeenth day of March, the second day of June, and the sixth day of October; in the county of Pike, on the thirty first day of March, the sixteenth day of June, and the twentieth day of October; in the county of Jackson, on the seventh day of April, the twenty sixth day of May, and the twenty seventh day of October; and in the county of Pickaway, on the fourteenth day of April, the twenty third day of June, and the third day of November.

Seventh.

SEC. 7. In the county of Greene, on the second Monday in March, third Monday in June, and first Monday in October;

in the county of Butler, on the third Monday in February, last Monday in May, and third Monday in September; in the county of Warren, on the fourth Monday in March, the third Monday in August, and third Monday in November; in the county of Clinton, on the second Monday in April, the third Monday in July, and first Monday in November.

SEC. 8. In the county of Athens, on the twenty seventh Eighth circuit. day of February, the ninth day of June, and the first day of September; in the county of Washington, on the second day of April, the sixteenth day of June, and the eleventh day of September; in the county of Scioto, on the sixteenth day of April, the twenty sixth day of June, and the twenty second day of September; in the county of Lawrence, on the thirtieth day of April, the seventh day of July, and the sixth day of October; in the county of Gallia, on the fifth day of May, the fourteenth day of July, and the thirteenth day of October; in the county of Meigs, on the twelfth day of May, the twenty first day of July, and the twenty second day of October; and in the county of Morgan, on the nineteenth day of May, the twenty eighth day of July, and the third day of November.

SEC. 9. In the county of Adams, on the fourth Tuesday of Tenth circuit. February, second Tuesday in July, and third Tuesday in September; in the county of Highland, on the first Tuesday of March, third Tuesday in July, and fourth Tuesday in September; in the county of Fayette, on the third Tuesday in March, fifth Tuesday in July, and first Tuesday in October; in the county of Clermont, on the fourth Tuesday in March, first Tuesday in August, and third Tuesday in October; in the county of Brown, on the third Tuesday in April, third Tuesday in August, and first Tuesday in November.

SEC. 10. In the county of Holmes, on the twenty fourth Eleventh. day of February, the fifth day of May, and the eighth day of September; in the county of Wayne, on the fifth day of March, the twelfth day of May, and the seventeenth day of September; in the county of Medina, on the seventeenth day of March, twenty sixth day of May, and twenty ninth day of September; in the county of Knox, on the twenty fourth day of March, the second day of June, and the thirteenth day of October; in the county of Richland, on the seventh day of April, the sixteenth day of June, and the third day of November.

SEC. 11. In the county of Franklin, on the first day of Twelfth circuit. April, the seventeenth day of June, and the second day of September; in the county of Madison, on the seventeenth day of April, the first day of July, and the sixteenth day of September; and in the county of Clark, on the twenty second day of April, the eighth day of July, and the twenty third day of September; in the county of Champaign, on the twenty ninth day of April, the twenty second day of July, and the thirtieth day of September; in the county of Delaware, on the thirteenth day of May, the fifth day of August, and the fifteenth day of October; in the county of Union, on the twenty seventh day of May, the

nineteenth day of August, and the twenty eighth day of October; and in the county of Logan, on the second day of June, the twenty sixth day of August, and the thirty first day of October.

Thirteenth circuit.

SEC. 12. In the county of Wood, on the twenty fourth day of March, and the twentieth day of October; in the county of Lucas, on the first day of April, the sixteenth day of June, and the twenty seventh day of October; in the county of Henry, on the fifteenth day of April, and the first day of September; and in the county of Williams, on the twenty first day of April, and the eighth day of September; in the county of Paulding, on the twenty fifth day of April, and the twelfth day of September; in the county of Putnam, on the twenty eighth day of April, and the sixteenth day of September; in the county of Vanwert, on the fifth day of May, and the twenty second day of September; in the county of Allen, on the thirteenth day of May, and the thirtieth day of September; in the county of Hardin, on the nineteenth day of May, and the sixth day of October; and in the county of Hancock, on the twenty sixth day of May, and the thirteenth day of October.

Fourteenth.

SEC. 13. The Court of Common Pleas in the fourteenth circuit shall be held, in the county of Lorain, on the sixth day of February, the thirteenth day of May, and the twenty eighth day of October; in the county of Geauga, on the twenty fifth day of March, the third day of June, and the thirtieth day of September; in the county of Lake, on the eighth day of April, the tenth day of June, and the fourteenth day of October.

Venires.

SEC. 14. The clerk of the Court of Common Pleas in any county where there is not sufficient time to draw jurors, and to issue writs of venire facias, as is now required by law, shall, in the presence of the sheriff, as is required by the fourth section of the act regulating juries, draw the jurors, and thereupon issue said writs at any time before the setting of such court; and the court, when convened, may order such writs to be returned forthwith; and the sheriff of such county shall serve the same, and make return thereof, agreeably to the command of the same; and such service and return shall be as valid, in law, as if such writ had been issued thirty days previous thereto.

Act repealed.

SEC. 15. The sections of the act entitled "An act fixing the times of holding the Court of Common Pleas," passed February twelve, one thousand eight hundred and forty four, and all acts amendatory thereof, so far as the same conflicts with this act, are repealed, and the provisions of the fifteenth, sixteenth, seventeenth and eighteenth sections of the said act are made applicable hereto, and part hereof.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

January 30, 1845.

AN ACT

To amend the act to fix the times of holding the Court of Common Pleas.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* ^{Second circuit.} That the Court of Common Pleas of the second circuit shall be held as follows, viz:

In the county of Marion, on the twenty fifth day of February, the twenty seventh day of May, and the tenth day of November;

In the county of Seneca, on the fourth day of March, the third day of June, and the twenty third day of September;

In the county of Sandusky, on the eleventh day of March, the tenth day of June, and the thirtieth day of September;

In the county of Ottawa, on the nineteenth day of March, and the eighth day of October;

In the county of Huron, on the twenty fourth day of March, the seventeenth day of June, and the twenty third day of October;

In the county of Erie, on the second day of April, the twenty sixth day of June, and the fourteenth day of October;

In the county of Crawford, on the twenty third day of April, the eighth day of July, and the twenty fifth day of November; and,

In the county of Wyandott, on the fifteenth day of July, and the eighteenth day of November.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

January 31, 1845.

AN ACT

To amend the act fixing the time of holding the Court of Common Pleas.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the first term of the court of common pleas for the county of Athens shall be held on the twenty fourth day of February, any thing in the eighth section of the act fixing the time of holding the court of common pleas, to the contrary notwithstanding.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

February 10, 1845.

AN ACT

To authorize the County Commissioners to melt counterfeit coin and mutilate counterfeiting instruments in certain cases, and to sell the same.

Counterfeit coin
to be melted and
sold.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cases where counterfeit coin, or any instrument for the purpose of making or gilding counterfeit coin, has been or hereafter shall be taken from convicts or persons indicted for counterfeiting or having the same in possession with criminal intent, and shall remain in the keeping of any county officers, or the clerk of any court, it shall be lawful for the commissioners of the proper county to melt the said counterfeit coin into a mass, or cast the same into other form than that of coin and sell the same, together with the instruments aforesaid, and pay the avails into the treasury of such county, for the benefit of common schools therein; provided that said instruments be so mutilated and broken as to prevent their being applied to the purposes of counterfeiting.

Stolen goods—
how to be dis-
posed of in cer-
tain cases.

SEC. 2. That when any stolen property in possession or in action, shall after the first trial of the person charged with stealing or receiving the same, remain in the possession of any officer of any county or clerk of any court unclaimed by the owner thereof, for the space of three months, or if such property shall come into the hands of such officer or clerk, (and the thief shall not be taken, or if taken shall escape,) and shall so remain in the hands of such officer for the space of one year after the property shall so come into the hands of such officer or clerk, in case the thief shall not be taken, or if taken, and he shall escape, shall so remain in the hands of such officer or clerk for one year, then, by and with the advice and consent of the prosecuting attorney of such county, the commissioners thereof shall proceed to sell the same at public auction to the highest bidder, after having for three weeks advertised the sale thereof in some newspaper of most general circulation in such county, and the avails thereof pay over to the treasurer of such county for the use of common schools therein.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

January 27, 1845.

AN ACT

To prevent canal companies, and others, from drawing off the water from their respective canals at certain periods.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That all canal companies, and other persons having oversight of any canals, are prohibited from hereafter drawing off the water from any canal in this state for the purpose of cleaning the same out, or making the general annual repairs thereof, at any time between the thirtieth day of June, and the thirtieth day of September in any year, and all such companies, and all persons having the charge and oversight of any such canals, are in like manner prohibited from allowing the water to remain out of their respective canals, of which they have oversight for such purpose, of cleaning the same out or making such general repairs within the period of time above designated; and if such companies, or any person having oversight of such canal, shall let off or allow the water of their respective canals, or of the canals of which they have oversight, to remain out, contrary to the provisions of this act, such company or such person so offending against the provisions of this act, shall forfeit and pay to the state of Ohio not less than five hundred dollars, nor more than three thousand dollars, to be recovered in an action of debt before any court having jurisdiction thereof.

At what time prohibited.

Penalty.

Sec. 2. The provisions of this act shall not be applicable to the public works of the state or of any part thereof.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

January 31, 1845.

AN ACT

To prevent the firing of Cannon upon public streets and highways.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That if any person or persons shall fire any cannon, or explode or cause to be exploded at any one time more than four ounces (avoirdupois weight) of gunpowder, except in case of invasion by a foreign enemy or to suppress insurrections or mobs, or for the purpose of raising drowned human bodies, or for the purpose of blasting or removing rocks, upon any public street or highway, or nearer than ten rods to the same, every person so offending shall, on conviction of the same, be fined in any sum not less than five nor more than fifty dollars; and shall moreover be liable in damages to persons injured by such firing.

Firing of cannon or exploding of powder on public streets prohibited, except, &c.

Appropriation of
fines.

SEC. 2. All fines accruing under the provisions of this act shall be collected and applied as provided in the fourteenth section of "an act for the prevention of certain immoral practices therein named," passed February seventeenth, one thousand eight hundred and thirty one.

Offenders may
be prosecuted be-
fore a justice,
&c.

SEC. 3. That prosecutions for offences against the provisions of this act may be by action on the case before any justice of the peace of the township where the offence is committed, where the amount of damages claimed is within his jurisdiction, and service of process be had within the county, or, if not within the jurisdiction of a justice of the peace, before the court of common pleas as in other cases.

SEC. 4. This act shall take effect and be in force from and after the first day of July next.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 10, 1845.

AN ACT

To amend the act to fix the times of holding the Court of Common Pleas, passed January 30, A. D., 1845.

Times of hold-
ing court of com-
mon pleas in
third circuit.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the court of common pleas shall be held in the third judicial circuit, in the county of Summit, on the eleventh day of February, the twenty seventh day of May, and the seventeenth day of November. In the county of Portage, on the eleventh day of March, the twenty fourth day of June, and third day of November. In the county of Ashtabula on the thirty first day of March, the seventh day of July and the twentieth day of October. And in the county of Trumbull on the fifteenth day of April, the twenty first day of July and the eighth day of December.

Sixth circuit.

SEC. 2. That the court of common pleas in the sixth judicial circuit, for the year one thousand eight hundred and forty five, shall be held as follows to wit: In the county of Fairfield, on the seventeenth day of February, the fifth day of May and the eighth day of September. In the county of Pike, on the tenth day of March, the sixteenth day of June, and the twenty ninth day of September. In the county of Hocking, on the seventeenth day of March, the nineteenth day of May, and the sixth day of October. In the county of Ross, on the twenty fourth day of March, the second day of June, and the thirteenth day of October. In the county of Jackson, on the seventh day of April, the twenty sixth day of May, and the twenty seventh day of October. And in the county of Picka-

way, on the fourteenth day of April, the twenty third day of June, and the third day of November.

SEC. 3. That the court of common pleas shall be held in the county of Miami, on the eighth day of April, on the twelfth day of August, and on the twenty first day of October. Miami county.

SEC. 4. The second term of the court of common pleas in the county of Lorain, for the year eighteen hundred and forty five, shall be held on the sixth day of May; and the third term in the same county for the same year shall be held on the sixteenth day of September. Lorain county.

SEC. 5. That so much of the act to which this is an amendment conflicts with the provisions of this act, be and the same is hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 18, 1845.

AN ACT

To amend an act entitled "An act establishing seats of Justice," passed February 3, 1824.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That all directors heretofore appointed, or that may be hereafter appointed, by virtue of the act to which this is an amendment, shall, annually, on or before the first Monday in March, deposit with the auditor of the proper county, a written statement, showing the number of town lots by him sold, the price for which each of said lots was sold, and the amount by said director paid over, according to the provisions of said act. Town directors shall annually deposit with county auditor written statement of lots sold, &c.

SEC. 2. That all money arising from the sale of any lot or lots as contemplated in said act, shall be, by the director, paid into the county treasury, within thirty day after he shall have received the same, taking duplicate receipts from the treasurer, one of which he shall immediately deposit with the auditor of the county who shall charge the treasurer therewith. Money arising from sale paid into county treasury.

SEC. 3. That if any director shall neglect or refuse to comply with all and singular the provisions of the first section of this act he shall be liable to a penalty of fifty dollars, to be recovered in an action of debt, in the name of the state of Ohio, before any court of competent jurisdiction. And if he shall neglect or refuse to comply with the provisions contained in the second section of this act, he shall be liable to a penalty of twenty five per centum on the amount of money so retained by him, together with interest and all costs which may accrue by reason of the same which amount, with penalty and interest, may be recovered in an action of debt as aforesaid. Penalty for neglect of duty.

Term of office.

SEC. 4. That said director shall hold his office for three years and until his successor is appointed and qualified; provided, however, that he shall be liable to be removed at any time for misconduct in office by the court of common pleas of the county appointing him.

SEC. 5. That all acts or part of acts inconsistent with this act, be and the same are hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 18, 1845.

AN ACT

To amend the act to provide for the incorporation of Townships, passed March 5, 1831.

Office of overseer of the poor abolished.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the office of overseer of the poor is hereby abolished, and so much of the seventh section of the act to provide for the incorporation of townships, passed March fifth, one thousand eight hundred and thirty one, as requires the election of overseers of the poor, be and the same is hereby repealed.

Township trustees to perform the duties of said office.

SEC. 2. That it shall be the duty of the township trustees to perform all the duties now performed by, and they are hereby invested with all the powers now vested in, the overseers of the poor, and for all services performed by them pursuant to this act, they shall be entitled to receive the same compensation per day as they are allowed by law for other services as trustees.

SEC. 3. This act shall take effect and be in force from and after the first day of April next.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 18, 1845.

AN ACT

In addition to the act entitled an "An act to provide for the settlement of the estates of deceased persons," passed March 23, 1840.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That if any executor or administrator, who shall file a petition for the sale of real estate, shall resign or be removed

at any time before the conveyance of the same, under an order of the court, the administrator de bonis non shall proceed with such sale, and may convey the land sold before, or after his appointment, and may be required to give an additional bond in like manner as if such administrator de bonis non had filed the petition. This act shall take effect and be in force from and after its passage.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 19, 1845.

AN ACT

To create the Sixteenth Judicial Circuit, and to alter certain other Judicial Circuits.

- SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the counties of Seneca, Crawford, Marion, Delaware and Wyandott shall compose the second judicial circuit. What counties shall compose the second circuit;
- SEC. 2. That the counties of Henry, Wood, Lucas, Ottawa, Sandusky, Huron, and Erie shall compose the thirteenth judicial circuit. —What counties the thirteenth.
- SEC. 3. That the counties of Shelby, Mercer, Allen, Hardin, Hancock, Putnam, Paulding, Vanwert and Williams shall compose the sixteenth judicial circuit. —What counties the sixteenth.
- SEC. 4. That the times of holding the court of common pleas in the second circuit, shall be as follows: in the county of Seneca, on the fourth day of March, the twenty seventh day of May, and the twenty third day of September. In the county of Crawford, on the eighteenth day of March, the fifth day of June, and the second day of October. In the county of Marion, on the twenty fifth day of March, the eighteenth day of June, and the fifteenth day of October. In the county of Delaware, on the fifteenth day of April, the eighth day of July and the twenty first day of October. In the county of Wyandott, on the first day of July and fourth day of November. Times of holding court of common pleas in second circuit.
- SEC. 5. That the times of holding the court of common pleas in the thirteenth circuit shall be as follows: In the county of Sandusky, on the eleventh day of March, the third day of June, and the seventh day of October. In the county of Ottawa, on the nineteenth day of March and twenty second day of October. In the county of Huron, on the twenty fourth day of March, tenth day of June, and fourteenth day of October. In the county of Erie, on the second day of April, nineteenth day of June, and twenty eighth day of October. In the county of Lucas, on the twenty first day of April, the sec- Thirteenth circuit.

Sixteenth cir-
cuit.

ond day of July, and the eleventh day of November. In the county of Wood, on the first day of May, and thirtieth day of September. In the county of Henry, on the eighth day of May, and twenty third day of September.

SEC. 6. That the court of common pleas in the sixteenth circuit shall be held, in the county of Shelby, on the first day of April, on the fourteenth day of July, and the fifteenth day of September. In the county of Hardin, on the fourteenth day of April, and the tenth day of November. In the county of Hancock, on the twenty first day of April, on the fourth day of August, and on the third day of November. In the county of Allen, on the twenty eighth day of April, and on the twenty seventh day of October. In the county of Mercer, on the fifth day of May, on the twenty first day of July, and on the twenty second day of September. In the county of Vanwert, on the twelfth day of May, and on the twenty ninth day of September. In the county of Putnam, on the nineteenth day of May, and on the sixth day of October. In the county of Paulding, on the twenty sixth day of May, and on the thirteenth day of October. In the county of Williams, on the second day of June, and on the twentieth day of October.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

February 19, 1845.

AN ACT

Fixing the times of holding the Court of Common Pleas in the county of Delaware.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That hereafter the court of common pleas, for the county of Delaware, shall be holden therein as follows, to wit: On the first day of April, the eighth day of July, and the twenty first day of October, any law to the contrary notwithstanding.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

February 26, 1845.

AN ACT

To amend the act to regulate the Militia.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That each and every person enrolled, according to the provisions of the act to which this is an amendment, shall pay the sum of fifty cents, or perform one days labor on the highway between the first day of May and the first day of August annually, under the direction of the supervisor in whose district he may reside, in commutation of military duty, as provided in the fifth section of said act.

Commutation
of military
duty.

SEC. 2. That it shall be the duty of the township assessor to collect said sum of fifty cents, and to pay the same to the treasurer of said county, in the same manner as provided by the act to which this is an amendment.

Duty of town-
ship assessors.

SEC. 3. That all military officers and members of volunteer companies, organized according to the terms of the act aforesaid, during the time they may belong to, and perform military duty according the provisions of the aforesaid act, and of this act amendatory thereto, be and they are hereby exempted from the labor on the roads and highways required by the act passed March twenty, one thousand eight hundred and thirty seven.

Who shall be ex-
empt from labor
on roads.

SEC. 4. That there shall be one company muster of volunteer companies in each year, to wit—on the first Friday in June, annually; and there shall be a brigade muster and encampment of said volunteer companies once in each year, commencing on the third Thursday in August, annually, and continuing not more than three, nor less than one day, in the manner specified in the act aforesaid, and the commandant of division shall review and cause to be inspected one brigade in his division, each and every year, commencing with the first brigade.

Company and
brigade musters,
when held.

SEC. 5. That every noncommissioned officer, musician and private, of any volunteer company, who shall refuse to appear fully armed and equipped on the day of muster, required by this act, shall, for every such refusal or neglect, pay the sum of one dollar for each company muster, and one dollar per day for each brigade muster.

Who shall be
fined for failure
to equip, &c.

Fine.

SEC. 6. It shall be the duty of the prosecuting attorney of the proper county to prosecute all suits against civil officers, provided for in the thirteenth section of the act to which this is an amendment, upon being informed of the delinquency of any of said officers.

Prosecuting at-
torney to prose-
cute all delin-
quents.

SEC. 7. That so much of the act to which this is an amendment, as conflicts with the provisions of this act, be and the same is hereby repealed.

Part of certain
act repealed.

SEC. 8. That so much of the act to which this is an amendment, or any act now in force as exempts from military duty any member of any fire engine, hose, or hook and ladder company, except such as reside in some town, village or city, and who belongs to, and are, active members of companies actually

Act relating to
firemen, repeal-
ed, &c.

organized and supplied with suitable apparatus for the use of their respective companies, be and the same is hereby repealed.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate

February 25, 1845.

AN ACT

To incorporate the State Bank of Ohio and other Banking Companies.

Who, and how
many may en-
gage in banking.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be lawful for natural individual persons, not fewer in number, in any case than five, to associate and form companies for the purpose of carrying on the business of banking, each in such place in this state as shall be designated in its articles of association, and in the certificate hereinafter required to be made, subject, however, to the contingencies, restrictions, conditions, and liabilities prescribed in this act.

Maximum of
capital stock.

SEC. 2. The aggregate amount of capital stock of all the companies, authorized by this act to be formed, and to carry on the business of banking within this state, shall not, until an additional amount shall be authorized by law, exceed six million one hundred and fifty thousand dollars; which sum shall not, however, be construed to include the capital stock of such companies, as, by name, shall be authorized to continue or to resume the business of banking, subject to the provisions of this act.

The state divi-
ded into twelve
districts.

SEC. 3. For the purpose of securing to the several sections of the state, a fair participation in the privileges granted by this act, the state shall be divided into twelve districts, and the banking capital authorized by the second section, shall be apportioned among such districts, and the number of banking companies to be formed therein, shall be limited as provided in this section, that is to say—

First district;

The counties of Hamilton, Clermont, Brown, Clinton, Warren, and Butler, shall compose the first district, in which the number of banking companies to be formed shall not exceed five, with an aggregate capital not exceeding one million two hundred thousand dollars.

Second;

The counties of Greene, Montgomery, Preble, Miami, Darke, Shelby, Mercer, Allen, and Vanwert, shall compose the second district, in which the number of banking companies to be formed shall not exceed five, with an aggregate capital not exceeding six hundred thousand dollars.

Third;

The counties of Putnam, Paulding, Williams, Henry, Lucas, Wood, and Hancock, shall compose the third district, in which the number of banking companies to be formed shall not ex-

ceed four, with an aggregate capital not exceeding three hundred thousand dollars.

The counties of Ottawa, Sandusky, Erie, Huron, Richland, Seneca, Wyandott, and Crawford, shall compose the fourth district, in which the number of banking companies to be formed shall not exceed four, with an aggregate capital not exceeding four hundred thousand dollars. Fourth ;

The counties of Hardin, Marion, Delaware, Franklin, Union, Logan, Champaign, Clark, and Madison, shall compose the fifth district, in which the number of banking companies to be formed shall not exceed six, with an aggregate capital not exceeding five hundred thousand dollars. Fifth ;

The counties of Pickaway, Fayette, Ross, Highland, Adams, Scioto, Lawrence, Gallia, Pike, and Jackson, shall compose the sixth district, in which the number of banking companies to be formed shall not exceed five, with an aggregate capital not exceeding five hundred thousand dollars. Sixth ;

The counties of Meigs, Athens, Washington, Monroe, Morgan, Muskingum, and Guernsey, shall compose the seventh district, in which the number of banking companies to be formed shall not exceed six, with an aggregate capital not exceeding five hundred thousand dollars. Seventh ;

The counties of Hocking, Perry, Fairfield, Licking, and Knox, shall compose the eighth district, in which the number of banking companies to be formed shall not exceed four, with an aggregate capital not exceeding four hundred thousand dollars. Eighth ;

The counties of Wayne, Stark, Holmes, Coshocton, and Tuscarawas shall compose the ninth district, in which the number of banking companies to be formed shall not exceed three, with an aggregate capital not exceeding two hundred and fifty thousand dollars. Ninth ;

The counties of Belmont, Harrison, Jefferson, Carroll and Columbiana shall compose the tenth district, in which the number of banking companies to be formed shall not exceed five, with an aggregate capital not exceeding five hundred thousand dollars. Tenth ;

The counties of Trumbull, Ashtabula, Lake, Geauga, and Portage shall compose the eleventh district, in which the number of banking companies to be formed shall not exceed five, with an aggregate capital not exceeding three hundred thousand dollars. Eleventh ;

The counties of Summit, Medina, Lorain and Cuyahoga shall compose the twelfth district, in which the number of banking companies to be formed shall not exceed eleven, with an aggregate capital not exceeding seven hundred thousand dollars. Twelfth.

Sec. 4. The number of banking companies which shall be formed and permitted to engage in the business of banking, under the provisions of this act—in the county of Hamilton shall not exceed four. In the county of Cuyahoga, six. Number of banking companies limited in counties designated.

In the county of Franklin, three. In the county of Ross, two. In the county of Muskingum, two. In the county of Jefferson, two. In the county of Summit, three. In the county of Lucas, two. In the county of Miami, two. In the county of Montgomery, two; and in no other county in the state shall there be more than one company formed under the provisions of this act, and permitted to engage in the business of banking, except under the circumstances mentioned and provided for in the twelfth section of this act; provided that not more than two companies shall be authorized to commence and carry on the business of banking, as branches of the State Bank of Ohio, under the provisions of this act, in any one of the counties named in this section, excepting the county of Hamilton, and in the county of Hamilton, not more than three such branches shall be so authorized; and if a greater number of companies, formed for the purpose of banking in any such county, shall elect to become a branch of the State Bank of Ohio, the commissioners, hereinafter appointed, shall reduce such number to the number in this section limited, in conformity to the rules prescribed in the eleventh section of this act.

Who shall constitute the board of bank commissioners;

—to continue in office one year.

Governor to appoint first meeting under this act, and notify each member.

Bankers to make certificate, specifying the name of company.

SEC. 5. To carry into effect the provisions of this act, John W. Allen, Joseph Olds, Daniel Kilgore, Alexander Grimes and Gustavus Swan, shall be and they are hereby appointed commissioners, and they, or a majority of them, after taking an oath diligently, faithfully, and impartially to perform the duties assigned them by this act, a certificate of which oath shall be filed and carefully preserved in the office of the secretary of state, shall constitute a board to be designated the board of bank commissioners; which board shall continue for one year from the date of this act, and thereafter the duties which they are required, by this act, to perform, shall devolve on, and be performed by, the auditor, treasurer and secretary of state, who shall be commissioners to perform such duties; and if any of said commissioners shall refuse to serve, shall die, or resign, his place shall be filled by the general assembly, by joint resolution, if in session, and, if not, by the governor.

SEC. 6. Said commissioners shall meet in the city of Columbus, at such time, within thirty days after the passage of this act, as shall be appointed by the governor, who shall notify each member of his appointment, and of the time and place of meeting; they shall, when met, appoint one of their number to be their president, who shall, under the order of the board, sign all official documents; and they shall cause a fair and true record of all their official proceedings to be kept in a book, provided for that purpose.

SEC. 7. Persons associating to form a banking company, shall, under their hands and seals, make a certificate, which shall specify:

First—The name assumed by such company, and by which it shall be known in its dealings, in which name shall be inclu-

ded the name of the city, village, or town, in which its banking operations shall be carried on;

Second—The amount of the capital stock of such company, Am't of stock.
and the number of shares into which the same is divided;

Third—The name and place of residence and the number of Number of shares.
shares held by each member of the company;

Fourth—The time when such company shall have been The time when the company was formed, and whether an independent company or a branch of the State Bank.
formed;

Fifth—That such company has elected to carry on its operations as an independent banking company, or, as a "branch of the State Bank of Ohio," as the case may be, which certificate shall be acknowledged before a justice of the peace or notary public, and shall be recorded by the recorder of the county where such company is to be established, in a book to be kept by him for that purpose, which shall at all times during office hours be kept open for the inspection of any person wishing to examine the same; one copy of which certificate duly certified shall be transmitted to the secretary of state, who shall record and carefully preserve the same in his office, and another to the board of bank commissioners. Said certificate to be recorded, &c., &c.

SEC. 8. No company shall be permitted to commence or carry on the business of banking under the authority of this act, as a branch of the State Bank of Ohio, unless its capital stock shall be at least one hundred thousand dollars, nor as an independent banking company, unless its capital shall be at least fifty thousand dollars, nor in either case shall the capital stock of any such company exceed five hundred thousand dollars; provided however, that the certificates of the funded debt of this state, or of the United States, deposited with the treasurer of state, as collateral security for the redemption of the notes of circulation of any independent banking company shall not be deemed a part of the capital stock of such company, within the meaning of this act. Capital stock of an independent bank to be at least \$50,000, and of a branch of State Bank \$100,000, and the capital of neither to exceed \$500,000. At least thirty per centum of the capital stock of each company shall be paid in gold and silver coin, or their equivalent, one half of which, thirty per centum, at least, shall be in gold and silver coin, and shall be in the actual possession, and bona fide, the property of the company at the time of the commencement of its banking business, and at the place designated for carrying on such business, and the remainder of the capital stock of such company shall be paid in, in installments each of at least ten per centum, on the whole amount to which the company is limited, as frequently as one installment at the end of each succeeding ninety days, from the date of the commencement of its banking operations, until the whole amount of capital stock is paid in; but when any banking company formed under the provisions of this act, shall have paid in at least sixty per centum on the gross amount of its capital stock, and shall deem a further extension of its capital at such time unnecessary, such company may, if a branch of the State Bank of Ohio, apply to the board of control, or, if an independent banking company, to the governor, Certificates of funded debt not deemed a part of capital stock. Amount of the capital stock of each company to be paid in gold or silver coin, or their equivalent; How and when to be paid. The board of control or governor, may, under certain circumstances, extend the time of payment of stock.

for an extension of the time for paying in the remaining installments on its capital stock, and if, after a careful examination of the facts, the board of control or the governor, as the case may be, shall be satisfied that public convenience does not require an increase of the capital stock of such company as rapidly as required by the foregoing provisions of this section, the board of control, or the governor, as the case may require, shall authorize such further extension of the time for paying in the remaining installments as shall be deemed compatible with the public interest; and this section shall not be so construed as to prevent any independent banking company that, previous to commencing its business as a bank, shall have paid in on its capital stock not less than thirty thousand dollars, and shall have deposited with, and transferred to, the treasurer of state, certificates of funded debt, as required by this act, to any amount not less than seventy thousand dollars, and shall also have complied with all the provisions of this act, other than such as relate to the amount of its capital stock, from commencing and carrying on its business as an independent banking company; and, in such case, such company shall not be required to have or pay in any additional amount of capital stock.

Upon failure, on the part of assignees or shareholders, the directors may sell their stock.

SEC. 9. If any shareholder, or his assignee, shall fail to pay any installment on the stock, when the same is required by the foregoing section to be paid, the directors may sell said stock, at public auction, having given three weeks previous notice thereof, in a newspaper published in the county where the company is located, to any person who will pay the highest price therefor, and not less than the amount then due thereon; and the excess, if any, after paying the expenses of sale, shall be refunded to the delinquent stockholder. If no bidder can be found, who will pay for such stock the amount due thereon, to the company, and costs of advertisement and sale, the amount previously paid shall be forfeited to the company; and such stock may be subsequently sold, in such manner as the directors may order.

When and where the board of bank commissioners may examine the certificates of banking companies, and the duties and qualifications of agents appointed to examine the condition of banks.

SEC. 10. After the expiration of two months, and within three months from the date of this act, the board of bank commissioners shall examine the certificates of the formation of banking companies, transmitted to them as required by the seventh section of this act, and shall, by one of their own members, or other special agent appointed by them for that purpose, who shall not be a stockholder in any of the companies formed under this act, immediately proceed to examine the condition of each of the banking companies which shall have transmitted to the said board the required certificate; and it shall be the especial duty of such agent to carefully count, or otherwise ascertain, the amount of money paid in on account of its capital stock; to ascertain the name and place of residence of each of the directors of such company, and the amount of capital stock of which each is the bona fide owner; whether such

company has complied with all the requirements of this act, necessary to entitle the company to engage in the business of banking; and he shall cause to be made, and attested by the oath of the majority of the directors, and by the cashier of such company, a statement of all the material facts necessary to enable the board of commissioners to determine whether such company is lawfully entitled to commence the business of banking under the provisions of this act; and such agent shall immediately report to the board of bank commissioners such statement, and his proceedings in the premises.

Sec. 11. If, upon a careful examination and comparison of the certificates of association, and the reports and statements of the special agents, appointed to ascertain whether the banking companies, authorized by this act, have complied with its provisions, it shall appear that any number of companies have been formed, and are lawfully entitled to commence the business of banking, provided the number of such companies, and the amount of their capital, collectively, in any district, shall not exceed the number and the amount of capital assigned to such district, nor in any county the number assigned to such county, the commissioners shall certify the same to the governor, who shall, if he be satisfied that the law has, in all respects, been complied with, issue his proclamation, setting forth that such companies are authorized to commence and carry on the business of banking, at the places severally designated in their certificates of association; but if the commissioners shall find that a number of banking companies shall have been formed, and shall have complied with all the requisitions of this act, preliminary to the commencement of the business of banking, in any district, greater than the number assigned to such district, then the commissioners shall determine which of such companies are to be preferred, and certify the same to the governor, as in this section provided; and, in forming such determination, they shall apply the following rules, in the order which they stand:

First: They shall avoid depriving any county, in which one or more of such companies are formed, of at least one.

Second: They shall prefer such companies as have the largest capital, provided at least thirty per centum thereof shall have been paid in.

Third: They shall prefer the company or companies whose stock is in the largest proportion, owned by citizens of the county in which such company is formed.

Fourth: They shall prefer the company or companies whose stock is in the largest proportion, owned by the citizens of the state.

Fifth: They shall prefer companies constituted by the most responsible stockholders. And in case more companies shall have been formed, and shall have complied with all the requirements of this act, preliminary to the commencement of business in any county, than the number assigned to such county, the

Duty of commissioners after they shall have examined the certificates and reports and statements of their agent or agents.

When more banking companies have been formed than are assigned by this law, in any district, the commissioners shall so select as to leave one in counties where companies have been formed.

They shall prefer companies having the largest capital;

—The largest stock owned in the county, and in the state;

—And having the most responsible stockholders.

When the companies in any district have, collectively, a larger amount of capital than that apportioned to each district, the amount shall be reduced by an equal ratio.

After the end of two years from the date of this act, companies may increase their capital stock, under certain specified restrictions.

commissioners, in determining to which a preference shall be given, shall observe the foregoing rules, excepting the first, in the order in which they stand. And if, after reducing the number of banking companies in any district to the number assigned to such district, it shall be found that such companies have, collectively, a greater amount of capital than the amount apportioned to such district, then the commissioners shall bring the aggregate capital within the prescribed limits, by reducing the capital which each company shall be authorized to employ, in equal ratio, on the amount thereof, over the minimum amount prescribed for such companies.

SEC. 12. After the end of two years from the date of this act, any banking company formed in any district may increase its capital stock to any amount not exceeding five hundred thousand dollars, nor exceeding the amount of capital assigned to such district, and remaining unappropriated; and in case more than one banking company shall apply for an increase of its capital stock, and the amount of the proposed increase shall exceed the whole amount of capital unappropriated in such district, then the commissioners shall assign such unappropriated capital, equally, to the companies demanding the same; but any new company, formed in any county having no banking company in the same, shall be preferred at any time before such capital is finally appropriated.

IN RELATION TO THE STATE BANK OF OHIO.

Whenever any number of companies, not less than seven, shall elect to commence banking operations, as branches of State Bank, they shall appoint members of the board of control.

Qualifications of members of the board of control.

When the board of control shall meet; how, and in what manner organized.

SEC. 13. Whenever, from an inspection of the certificates transmitted by banking companies to the board of bank commissioners, it shall appear that any number of said companies, not less than seven, inclusive of such existing companies as are, by this act, especially authorized to resume or continue banking operations under its provisions, have made their election to transact their banking operations, as branches of the State Bank of Ohio, and have complied with the requirements of this act, preliminary to the commencement of banking operations, then said commissioners shall immediately notify each of said companies thereof; and within ten days after receiving such notice, they shall each appoint, in such manner as the directors thereof shall prescribe, one person to be a member of the board of control of the State Bank of Ohio; and any two or more of such banking companies may unite in the appointment of the same person. But no person, who is not a citizen of the United States, and a resident of this state, and who has not resided within this state at least two years next previous to his appointment, shall be a member of the board of control.

SEC. 14. The members of the board of control, who shall have been appointed agreeably to the provisions of the next preceding section, shall meet in the city of Columbus, at such time as shall be designated by the board of bank commissioners, who shall give ten days previous notice to each branch of the time of such meeting; they shall each take on oath diligently,

faithfully, and impartially to perform the duties imposed on them by this act, a certificate of which oath shall be filed and preserved in the office of the secretary of state. They shall organize, provided two thirds of the whole number shall be convened, by electing some suitable person as president, whose duty it shall be to preside at the meetings of the board, and sign its official documents; they shall appoint a secretary, who shall keep a fair and true record of the proceedings of the board. They shall keep an office in the city of Columbus, which, together with their books, papers, records, and accounts of every description, shall, at all times, be open to the inspection of any committee of the general assembly, or either branch thereof, and of any commissioner or commissioners, especially appointed for that purpose by the general assembly, and of any person appointed by any one of the branches. They shall procure and furnish each branch with notes for circulation, and decide on the amount to be furnished, from time to time, to each, within the limits, and agreeably to the rules and restrictions prescribed by this act. They may prescribe rules for the settlement of balances between the branches, three fourths of the votes given, according to the rule of voting herein prescribed, concurring. They shall have power, by themselves, or by a committee of one or more members of their own board, or by a special agent appointed by them for that purpose, whenever, and as often as they shall think proper, to visit any branch, inspect its books, records and accounts, and all the evidences of debts due to, and securities held by, such branch; examine and ascertain the amount of money and other property held by such branch; examine, on oath, the president, directors, cashier, and all other officers, agents, clerks or servants of the branch, touching its condition, means and liabilities. They shall have power to require any branch to reduce its circulation, or other liabilities, within such limits as they shall, after full inquiry into its condition, deem necessary to secure from loss, either the dealers with such branch, or the other branches of the State Bank of Ohio. They may require the officers of each branch to make out, under oath, and transmit to the office of said board, at Columbus, statements of the condition thereof, in such form as such board shall prescribe, and as frequently as they shall deem proper; which statements shall be recorded in a book or books to be kept for that purpose. They may appoint an executive committee, of not less than five, of whom the president shall be one, to act in behalf of the board in all such cases, and perform all such duties as shall be prescribed by the bylaws of said board, not inconsistent with this act.

They shall furnish notes for circulation;

...Prescribe rules for the settlement of balances between branches;

And shall have power to visit, personally, or by agents, the various branches, and examine their affairs.

They may appoint an executive committee, &c.

SEC. 15. The president and secretary of the board of control shall each receive such compensation for their services as said board shall allow, which shall be assessed upon the several branches of the State Bank of Ohio, in the ratio of their capital stock. The board may also allow the executive committee

Compensation of members of the board of control, and the expense of printing notes, &c.; how raised.

such compensation as they shall deem just and reasonable, to be paid by the several branches, in the same manner; and the expenses of procuring plates and printing notes of circulation shall be paid by the several branches, in the ratio of the notes of circulation received by each.

The board of control shall be a body corporate until the 1st day of May, 1866.

SEC. 16. The board of control, from the time of its organization, until the first day of May, in the year one thousand eight hundred and sixty six, and thereafter, until the affairs of the several branches of the State Bank of Ohio shall be finally closed up, shall be a body corporate, with succession, and by the name of the State Bank of Ohio, capable of contracting and of prosecuting, and defending in suits or actions at law, or in chancery, as fully as natural persons, and of doing all other acts and things necessary to effect the object contemplated in this act by the formation of said board.

Regulations as to the term of office of members of the board of control; vacancies; and the president of said board.

SEC. 17. Each member of the board of control shall continue in office until the first Monday of February, next after his appointment, and until his successor shall be appointed and qualified; vacancies in the board shall be filled by the branch by which the appointment vacated was made; in voting each member shall be entitled to one vote, and to one additional vote for every fifty thousand dollars of the amount of notes of circulation, to which the branch or branches represented by him, is, or are entitled, at the time of such voting; the president of the board shall hold his office for one year, and until his successor shall be appointed, but may be removed by a resolution of the board; he shall take an oath, faithfully, diligently and impartially to fulfil the duties of his appointment, and not knowingly violate any of the provisions of this act; he may be required to give bond in such sum, and with such securities, as the board shall prescribe; and all vacancies in said appointment shall be filled by the board.

Notes issued by any branch, payable at said branch in gold and silver coin.

SEC. 18. All notes issued by any branch, intended to circulate as money, shall be payable at the branch by which they are issued in gold and silver coin, the lawful currency of the United States, or either, at the option of the branch, on demand; they shall be signed by the president of the board of control, countersigned by the cashier of the branch by which they are issued, made payable to bearer, and shall be negotiable by delivery; all other evidences of debt, issued by any branch, shall be negotiable or transferable in the same manner as if issued by a natural person, and shall be binding on the branch, whether under seal or not, and all such evidences of debt, other than notes of circulation, shall be payable to the order of some person therein named.

How notes to be signed and countersigned, &c.

The proportion of notes in circulation to the capital stock, to be regulated by the following ratio:

SEC. 19. No branch of the State Bank of Ohio shall, at any time, have in circulation notes in the similitude of bank notes, to an amount bearing a greater proportion to the capital stock of said branch, actually paid in, and at the time remaining undiminished by losses or withdrawal, exclusive of its portion of the safety fund, than the proportion hereinafter specified, that is to say:

On the first hundred thousand dollars, or any lesser amount of its capital, not more than twice the amount of such capital.

On the second hundred thousand dollars, or part thereof, not more than once and a half of the amount of such capital, over one hundred thousand.

On the third hundred thousand dollars, or part thereof, not more than once and a quarter the amount of such capital, over two hundred thousand.

On the fourth hundred thousand dollars, or part thereof, not more than once the amount of such capital, over three hundred thousand; and,

On any amount of capital, over four hundred thousand dollars, not more than three fourths the amount of such capital, over four hundred thousand, and on its portion of the safety fund an amount equal thereto.

SEC. 20. Notes designed for circulation shall be delivered by the board of control, to each branch on a written order, signed by the president, and a majority of the directors of such branch; such orders shall be carefully preserved by said board in their office; an accurate account of all the notes so delivered, the amount of the notes of each denomination so delivered, and the date of such delivery, shall be kept by the board of control, in a book or books, to be provided and kept in their office at Columbus; all notes so worn, defaced or mutilated as to be unfit for circulation, shall be returned by the branch by which they were issued, to the board of control, and an equal amount of new notes received therefor; all such notes so returned by a branch shall be credited, and all new ones delivered in their stead shall be charged to such branch, on the books of said board; and the notes so returned shall be burned to ashes, in the presence of the president, and at least two of the members of said board.

How notes, designed for circulation, to be delivered, &c.

Regulations as to defaced or mutilated notes.

SEC. 21. Before the board of control shall deliver to any branch, notes for circulation, they shall require such branch to pay over or deposit to the credit of said board, as said board shall order, either in money or in certificates of the stocks of this state, or of the United States, at their current value in the city of New York, but in no instance above their par value, an amount equal to ten per centum on the amount of the notes for circulation, which shall be delivered to such branch. And so from time to time, as any branch may, by the paying in of an additional amount on its capital stock, or by not having received the amount of notes for circulation to which it was previously entitled, be authorized to demand an additional amount of notes for circulation, such branch shall deposit with the board of control ten per centum on the amount of notes so required, and the stocks and money so deposited shall be denominated the "safety fund," and shall be invested as hereinafter prescribed, and held by the board of control, as the property of said board, in trust for the benefit of the several branches of the State Bank of Ohio, and as a fund for the redemption of the

Every branch required to pay over, or deposit to the credit of the board of control, 10 per cent. on the amount of notes given for circulation.

Stocks and money so paid and deposited, denominated the "safety fund."

notes of circulation of any one or more of said branches that may fail to redeem its notes, to be applied to that purpose in the manner pointed out by this act.

In what manner each branch may invest its portion of the safety fund.

SEC. 22. All money so deposited or paid to the board of control on account of the safety fund, by any branch, shall be under the direction of said board, invested by such branch, either in the stocks of the state, or of the United States, or in bonds secured by mortgages on unincumbered real estate situated in the county where such branch is located, or in adjoining counties, of at least twice the value in each case of the amount secured thereby, exclusive of buildings or other fixtures subject to be destroyed by fire, by floods or accidental occurrences, or of timber, mines or minerals, subject to waste; which bond shall be made payable on demand to the State Bank of Ohio, and shall bear such rate of interest as shall be agreed on by the parties, not exceeding seven per centum per annum, payable semiannually. Each branch shall be entitled to receive the interest accruing on the stocks or bonds in which its portion of the safety fund shall have been invested; and in case of the insolvency of any branch, the stocks and bonds in which the money of such branch shall have been invested as aforesaid, if the proceeds of such stock and bonds shall be sufficient to redeem its outstanding notes of circulation, shall as far as practicable, be first converted into money, and applied to that purpose, before any part of the safety fund belonging to other branches shall be so applied.

The branches entitled to receive interest accruing on its stocks or bonds.

To what amount stockholders and directors may be liable, either as debtors or sureties.

SEC. 23. The stockholders, collectively, of any branch shall at no time, be liable to such branch, either as principal debtors, or sureties, or both, to an amount exceeding one third part of the capital stock of such branch then actually paid in and remaining as capital stock. Nor shall the directors, collectively, be so liable to an amount exceeding one fourth part of the stock actually paid in, standing in their names, and of which they are collectively the bona fide owners in their own right; provided that such directors may be further permitted to become liable, as drawers or indorsers of bona fide foreign bills of exchange, drawn in this state, and payable at any place out of this state, to an amount, when added to their other liabilities, not exceeding one third of the capital stock actually paid in, and standing in the names of such directors; and the stockholders may become liable, in like manner, in such sum as, when added to their other liabilities, will not exceed one half of the capital stock of any such branch actually paid in.

If any branch refuses to redeem its notes, it shall be deemed insolvent, &c.

SEC. 24. If any branch of the State Bank of Ohio shall refuse to pay its notes of circulation, or any of them, in gold or silver coin, the lawful currency of the United States, on which payment shall be lawfully demanded at its banking house, or customary place of doing banking business, during usual banking hours, such branch shall be deemed to have committed an act of insolvency, and thereupon all its property, credits, securities, liens and assets of every description, shall

forthwith vest in, and be the property, credits, securities, liens and assets, of the board of control, for the uses and purposes declared in this act.

SEC. 25. The board of control, on receiving information that any branch of the State Bank of Ohio has committed an act of insolvency, shall forthwith appoint a committee of one or more of its members, who shall make immediate inquiry into the truth of such information, and report thereon to the board; and if the board shall be satisfied, from the report of the committee, that such branch has suspended the payment of its notes in gold and silver, they shall forthwith appoint a suitable receiver or receivers, who shall take immediate possession of the books, records, money, choses in action, and property of said branch of every description, and hold the same for the joint use and benefit of the other branches of the State Bank of Ohio, and the creditors of said failing branch; and said board of control shall immediately provide money, and place the same in such solvent branch or branches, as may be most convenient for the purpose of redeeming the notes of such failing branch, and shall give public notice thereof in some newspaper, printed in the place where such failing branch is located, and also in some newspaper of general circulation published at Columbus.

The board of control, upon the insolvency of any branch, to appoint a committee of examination; and, if satisfied of the fact, to appoint a receiver or receivers, &c.

SEC. 26. Each solvent branch shall contribute, in the ratio of the circulation to which it is entitled, to the sum necessary for redeeming the notes of the failing branch, as provided in the preceding section, on the requisition of the board of control, and may be remunerated for such contribution, from the safety fund, as soon as money sufficient can be raised from that fund, by a sale or hypothecation of the stock, funds, or other securities belonging thereto.

Each solvent branch to contribute for the redemption of the notes of a failing branch.

SEC. 27. The receiver or receivers, appointed as provided in the twenty fifth section, shall be required to give bond in such sum, and with such securities, as the board of control shall judge sufficient; and, under the direction of the said board, shall proceed to settle up its affairs, and convert its assets into money; the money so made shall be applied—

Receiver or receivers to give bond.

First: To reimburse all moneys which shall have been advanced by the several branches for the redemption of the notes and bills of the insolvent branch, and which may not have been previously reimbursed from the safety fund.

Second: To reimburse all moneys advanced from the safety fund, other than moneys derived from that portion of the safety fund furnished by the failing branch.

In what manner money made by receivers to be applied.

Third: To the payment and discharge of all the remaining liabilities of such branch; and—

Fourth: The residue shall be divided among the stockholders of the failing branch, in proportion to the stock by them respectively held.

SEC. 28. If any branch, against which the board of control shall have instituted proceedings, on account of any supposed

If any branch denies the fact or charge of insol-

pany, it may apply to any court of competent jurisdiction for a writ of injunction, &c.

act of insolvency, as prescribed by the twenty fifth section of this act, shall deny having committed such act of insolvency, such company may apply to any court of competent jurisdiction for a writ of injunction to said board of control to suspend all further proceedings against such branch, as an insolvent company; and such court, after citing said board of control to appear and show cause why such writ should not be granted, and after the finding of a jury that such branch has, at all times continued, and still continues to redeem, in gold and silver coin, its notes of circulation, shall make an order, enjoining the board of control, from all further proceedings against such branch, on account of the supposed act of insolvency, on which such proceedings were instituted, and thereupon all the property and assets of such branch shall be restored to its directors.

The board of control may be compelled, by holders of notes or creditors, upon application to the court, to comply with the provisions of preceding sections.

SEC. 29. If the board of control shall, in any case, fail to proceed in the manner prescribed in the foregoing sections of this act, and providing for the payment of the outstanding notes of circulation, and in closing the affairs of any branch that shall have committed an act of insolvency, the holder of any of its notes of circulation, or other creditor of such branch may, in case payment of such notes of circulation or other claim, has been refused when lawfully demanded, and remains unpaid, apply to any court of competent jurisdiction, for its writ, commanding the board of control so to proceed; and it shall be the duty of such court, after citing such board to appear and show cause why such writ should not issue, and upon the finding of a jury that such act of insolvency has been committed, to issue their writ, commanding said board of control forthwith to proceed, in the manner pointed out in the preceding sections of this act, to provide for the payment of the outstanding notes of such branch, close up its affairs, and make application of its assets.

IN RELATION TO INDEPENDENT BANKING COMPANIES.

Independent banking companies to deposit with treasurer of state, certificates of funded debt of this state, or of the United States equal in amount to the amount of their capital stock.

SEC. 30. Each company that shall have elected to carry on its business as an independent banking company, and shall have complied with the requirements of this act, preliminary to the commencement of banking business, shall, before it shall commence such business, and before it shall be held to have acquired corporate powers, deposit with and transfer to the treasurer of state certificates of the funded debt of this state, or of the United States, at least equal in amount to the amount of its capital stock, at such time paid in; and, from time to time, as an additional installment, or portion of its capital stock, shall be paid in, additional certificates of the funded debts above specified, at least equal in amount to the amount of such additional payments of capital stock, shall, within thirty days after such payment, be deposited with and transferred to the treasurer of state, but no such certificate of funded debt shall be received

by said treasurer at a rate or price above the average selling price of such certificates at the New York stock exchange, for the four weeks next preceding the time of the receipt thereof by the treasurer, nor shall any certificate of the funded debt of this state be received at any rate above its par value, exclusive of the unpaid interest that may have accrued thereon; and if such company shall fail to make deposits and transfers of stock, as in this section required, all its franchises and powers derived from this act, except such as may be necessary to settle up its affairs, shall immediately cease and determine.

SEC. 31. The treasurer of state shall deliver, from time to time as he may be prepared so to do, to any independent banking company that may have entitled itself thereto, on the written order of the president and a majority of its directors, notes for circulation to any amount not exceeding the value of the certificates of funded debt deposited with, and transferred to him by such company, as prescribed by the preceding section; but at no time shall the total amount of such notes, delivered to any such company, exceed three times the amount at such time actually paid in on its capital stock, and remaining as capital stock, undiminished by losses or otherwise.

Treasurer of state to deliver to independent banking companies their notes for circulation, &c.

SEC. 32. In order to furnish suitable notes for circulation to such independent banking companies, the treasurer of state is hereby authorized and required to cause to be engraved and printed, in the best manner to guard against counterfeiting, such quantity of circulating notes in the similitude of bank notes, in blank, of the several denominations provided for in this act, as he may from time to time deem necessary to furnish to such independent banking companies, according to the provisions hereinafter set forth; which notes shall be countersigned, numbered, and registered in proper books, to be provided and kept for that purpose, in the office of said treasurer, under his direction, by such person or persons as he may appoint, so that each denomination of such circulating notes shall bear the uniform signature of one of such registers; and all the notes of each separate denomination shall bear the same device, and bear a general similitude; and the notes or bills to be so countersigned shall have stamped or printed on their face the words, "secured by the pledge of stock."

Authority given to the treasurer of state, to cause to be engraved, and printed, circulating notes.

SEC. 33. The plates, dies, and materials to be procured by the treasurer of state, for the printing and making the circulating notes, provided for in the thirty second section of this act, shall remain in the custody of said treasurer, and under his direction; and the expense necessarily incurred by him, in executing the provisions of this act, shall be audited and settled by the auditor of state, and paid out of any moneys in the treasury, not otherwise appropriated; and, for the purpose of reimbursing the same to the treasury, the said treasurer is hereby authorized and required to charge against, and receive from, each company receiving such circulating notes, such

The plates, dies and materials for printing and making circulating notes, to be in the care of the treasurer;

How expense paid.

rate per centum thereon as may be sufficient for that purpose, and shall, from time to time, equalize said expenses among the companies to whom such circulating notes may be furnished.

When a company may issue and circulate its notes as money.

SEC. 34. After any such independent banking company shall have caused to be executed and signed, by the president and cashier thereof, the circulating notes received from the treasurer of state, in such manner as may be requisite to make them obligatory notes, payable on demand, at its place of business, such company is hereby authorized to issue and circulate the same as money.

Mutilated circulating notes to be destroyed.

SEC. 35. It shall be the duty of the treasurer of state to receive mutilated circulating notes, issued by him to any of such independent banking companies, and to deliver in place thereof other circulating notes to an equal amount; and the said mutilated notes, after a memorandum shall have been entered in the proper book or books, shall be burned to ashes by the said treasurer, in the presence of the secretary of state and the officer or agent of said company by whom the said notes shall have been delivered to the said treasurer, and a certificate of said burning, signed by said treasurer, shall be made in the books of the register, and a duplicate thereof given to said agent.

Regulations as to the interest or dividend upon stock deposited and pledged.

SEC. 36. The treasurer of state shall give to any company, by whom any stock shall have been deposited, according to the provisions of the thirtieth section of this act, powers of attorney to receive the interest or dividends thereon, which interest or dividend such company may receive and apply to its own use; but such powers of attorney shall become void upon any such company failing to redeem the circulating notes issued by such company; provided, however, that whenever the price of any of the stocks pledged for the security or redemption of the circulating notes issued by any such company, as aforesaid, shall be at the stock exchange, in the city of New York, for four consecutive weeks, at a price or rate less than the value of which such stock shall have been estimated, when so deposited and pledged, the treasurer shall receive and retain the interest or dividend on such depreciated stock, so pledged, until the interest so received, when added to the market value of stocks so pledged, to be ascertained as in this section before provided, will be equal in amount to the amount for which such stocks were pledged, and he shall deposit the amount so received with any solvent banking company in this state, at such rate of interest as shall be agreed upon, or, at the option of the company by which such stocks were deposited, invest such interest or dividends in any of the stocks by this act authorized to be pledged, in the name of the treasurer of state, in trust for the banking company by whom the stocks, on which such interest or dividends may have accrued, shall have been pledged, and whenever the price of such depreciated stocks, at the New York stock exchange, shall rise to the price at which they were pledged by the company, and so remain for four

consecutive weeks, such investment shall be assigned to such company, and all accruing interest on such pledged stock shall thereafter be paid to such company.

SEC. 37. The stocks transferred to the treasurer of state, by an independent banking company, for the security of its circulating notes, shall be held by him exclusively for that purpose, until such notes shall be redeemed, except as herein after provided.

Stocks given as security held exclusively by the treasurer.

SEC. 38. If any such independent banking company shall fail to redeem, in gold or silver coin, any of its circulating notes, issued in pursuance of the provisions of this act, when payment thereof shall be lawfully demanded, during the usual hours of business, at the office of such company, the holder of such note or notes may cause one or more thereof to be protested by a notary public, who shall, on protesting the same, forthwith forward notice of such protest to the treasurer of state, and after such protest suffered, it shall not be lawful for the company thus suffering protest, to pay out any of its notes, discount any notes or bills, or otherwise engage in the business of banking, except to receive and safely keep moneys belonging to it, and to deliver special deposits; provided, however, that if satisfactory proof be produced to such notary public that the payment of any such note or notes is restrained or delayed by order of any court of competent jurisdiction, such notary public shall not protest the same; where the holder of such notes shall cause more than one to be protested on the same day, he shall not receive pay for more than one such protest.

What to be done when any independent banking company fails to redeem its circulating notes.

SEC. 39. In case any such independent banking company shall fail to pay, and redeem its circulating notes on demand, in gold or silver coin, as specified in the next preceding section of this act, the treasurer of state shall, within thirty days after he shall have received notice of such failure, cause the stocks pledged by such company, or so much thereof as may be necessary to redeem the outstanding circulating notes of such company, to be sold either at the stock exchange in the city of New York, after giving notice of such sale to such company, and also advertising the time and place of sale, with a pertinent description of the stocks to be offered for sale, in two or more newspapers published in the city of New York, for not less than ten consecutive days before the day of sale, or at the state treasury in the city of Columbus, giving notice to said company, and also advertising, in one or more newspapers published in the city of Columbus, and one or more newspapers in general circulation in the county where the office of such failing company is situated; which advertisements shall contain the same particulars as are required herein, where sales are to be made in the city of New York; and out of the proceeds of such sale the treasurer shall pay, in a ratable proportion, the circulating notes of such company, of which due notice shall be given, calling upon the holders of such notes to present them for such payment, at the state treasury; provided that if any

When any independent banking company fails to pay or redeem, the treasurer of state to make sale of stocks pledged.

How proceeds of sale to be distributed.

of the circulating notes of such failing company shall not be presented, for redemption, at the state treasury, until after the term of two years from the date of the first publication of the notice to the holders of such notes, to present the same at the state treasury, the treasurer may pay, ratably, to the holders of the notes previously presented, if such notes shall not have been previously paid in full, whatever of the proceeds of such sale, remaining in his hands, may be needed to fully discharge such notes so presented.

Treasurer with the advice of the secretary and auditor, may hypothecate or sell at private sale deposited stocks.

SEC. 40. The treasurer of state may, if he shall deem that the interests of the noteholders of any insolvent banking company will be best promoted thereby, with the advice of the auditor and secretary of state, hypothecate, or sell at private sale, any of the stocks transferred to, and deposited with him, by such company, to any other independent banking company, or to any individual person or firm, and receive therefor, either money, or the circulating notes of such failing company; provided that no such stock shall be sold, by private sale, at less than the par value thereof, nor at less than its selling price, at the New York stock exchange, at the date of the last received information, nor shall any such stock be sold on credit.

How a special agent to be appointed after the insolvency of an independent banking company.

SEC. 41. On receiving notice that any such independent banking company shall have committed an act of insolvency, as hereinbefore defined, the treasurer of state, the secretary of state, and the auditor of state, or a majority of them, shall appoint a special agent, who shall immediately proceed to ascertain whether such company has refused to pay its notes in gold and silver coin, when lawfully demanded, and report to the said treasurer, secretary and auditor, the facts so ascertained; and if, from the report so made, said treasurer, secretary and auditor, or a majority of them, shall be satisfied that such company has suspended the payment of its circulating notes, when lawfully demanded, in gold and silver coin, they shall forthwith appoint a receiver or receivers, and require of him or them such bond and security as they shall deem proper, who shall proceed to take possession of the books, records and assets, of every description, of such company; collect all debts, dues and other claims, belonging to such company; settle, and, with the approbation of an agent, to be appointed by the stockholders for the protection of their interests, compound for all bad and doubtful debts; sell all the real and personal property of said company and to pay over all moneys so made, to the treasurer of state; and the treasurer of state shall cause notice to be given, by advertisement, in one or more newspapers published in the city of Columbus, and also in one or more newspapers, in general circulation, in the county where the office of such insolvent company shall be situated, for six consecutive months, calling on all persons who may have claims against such company, to make legal proof thereof; and, after the end of one year from the first publication of such notice, the treasurer, after full provision shall have been made for redeeming the cir-

creating notes of such company, shall make a ratable dividend of the moneys so paid over to him by such receiver or receivers, inclusive of moneys received by him on sales of stock transferred to, and deposited with him by such company, on all such claims as may have been so proved; and from time to time, as the proceeds of the assets of said company shall be paid over to him, the said treasurer shall make further dividends, as aforesaid, on all claims previously proved; and the remainder, if any thing, shall be paid over to the stockholders of the company, or their legal representatives, in proportion to the stock by them severally held; provided, however, that if any independent banking company, against which proceedings have been instituted, as prescribed in this section, on account of any supposed act of insolvency, shall deny having committed such act, such company may apply to any court of competent jurisdiction to enjoin further proceedings in the premises; and such court, after citing the treasurer, secretary and auditor of state, to show cause why further proceedings should not be enjoined, and, after the finding of a jury, that such company has not suspended the payment of its notes, when legally presented, in gold and silver coin, shall make an order, enjoining said treasurer, auditor and secretary of state, and any receiver or receivers appointed by them, from all further proceedings on account of such supposed act of insolvency.

How proceeds of an insolvent bank disposed of.

Proceedings may be enjoined and the fact of insolvency tried;

SEC. 42. If the original capital stock of any of such independent banking companies shall, in any manner, be diminished, or any portion thereof be withdrawn for any purpose whatever, while any debts or demands against such company remain unsatisfied, no dividends shall, thereafter, be made on the shares of the capital stock of such company, until the original amount of the capital stock shall be restored, either by contribution of the shareholders, or out of the profits of the business of such company; and in case any dividend shall be made while the capital stock shall remain so diminished or withdrawn, it shall be the duty of any court, having competent jurisdiction, to issue the necessary orders and decrees for closing the affairs of such company, and dividing its effects among its creditors and shareholders, as in this act provided.

No dividends to be made on shares whilst any debts or demands remain unsatisfied.

SEC. 43. All fees for protesting the notes issued by any such independent banking company, shall be paid by the person procuring the protest to be made, and such company shall be liable therefor; but no part of the stocks pledged by such company to the treasurer, shall be applied to the payment of such fees; and all expenses incurred in conducting the sale of any such pledged stocks, and advertisements thereof, shall be paid out of the proceeds of such sales.

Fees for protesting, how paid.

SEC. 44. The stockholders, collectively, of any independent banking company shall, at no time, be liable to such company, either as principal debtors or sureties, or both, to an amount greater than three fifths of the amount of capital stock actually paid in, and remaining undiminished, by losses or other-

To what amount stockholders may, collectively, be liable.

Independent
banking compa-
nies to be visited
and examined,
once, annually.

wise; nor shall the directors be so liable, except to such amount, and in such manner, as shall be prescribed by the bylaws of such company, adopted by its stockholders, to regulate such liabilities; and it shall be the duty of the auditor, treasurer and secretary of state, or a majority of them, as often as once in each year, to appoint some suitable person, in the vicinity of each independent banking company, who shall not be a stockholder in any bank of this state, who shall have power to make a thorough examination into all the affairs of the bank which he may be appointed to examine, and, in so doing, to examine any of the officers and agents of such bank on oath; and such agent shall make a detailed report of the condition of such bank to the auditor of state; and the banking companies, deriving their powers and privileges from this act, shall not be subject to any other visitorial powers than such as are authorized by this act, except such as are vested in the several courts of law and chancery; and every agent appointed, as in this section provided, shall receive, for his services, at the rate of two dollars for each day by him employed in such examination, and two dollars for every twenty five miles he shall necessarily travel in the performance of his duty, which shall be paid by the banking company by him examined.

When and un-
der what condi-
tions certificates
of funded debt
may be retrans-
ferred to inde-
pendent banking
companies.

SEC. 45. Whenever any independent banking company, being desirous of diminishing the amount of its circulating notes, shall deliver to the treasurer of state any portion of such notes, not less in amount at any one time than five thousand dollars, to be destroyed, the treasurer shall destroy the same, as prescribed in section thirty five, and shall, thereupon, retransfer and deliver to such company certificates of funded debt deposited with him by such company to an amount equal to the amount of notes so delivered up; provided that the amount of such certificates remaining with the treasurer shall not, thereby, be reduced below the amount of the capital stock of such company at that time paid in, nor in any case below the sum of fifty thousand dollars, nor in value, estimating the same at their then current price in the city of New York, below the amount of circulating notes still retained by such company; nor shall the treasurer be required to retransfer such certificates in fractional sums of less than one thousand dollars; and whenever any such company, being desirous of relinquishing its banking business, shall have paid at least ninety per centum of the maximum amount of its circulating notes, and shall have delivered the same to the treasurer of state, to be destroyed, and shall have provided means and given security, to the satisfaction of the treasurer, secretary, and auditor of state, for the redemption of its outstanding notes of circulation, at the place where the office of such company was established, and shall have given notice thereof by advertisement, for six consecutive months, in two newspapers of general circulation, published at Columbus, and at least one published in the city, town, or village where the office of such company is located,

it shall be lawful for the treasurer of state to retransfer and deliver to such company, all the certificates of funded debt, previously pledged with him by such company, and, thereupon, all the corporate powers of such company, except such as shall be necessary to close up its affairs, shall cease.

GENERAL PROVISIONS.

SEC. 46. The capital stock of each banking company shall be divided into shares of one hundred dollars each, and shall be assignable on the books of the company, in such manner as its bylaws shall prescribe; but no shareholder shall have power to sell or transfer any shares, held in his own right, so long as he shall be liable, either as principal, debtor, surety, or otherwise, to the company, for any debt which shall have become due, and remains unpaid; nor in such case shall such shareholder be entitled to receive any dividend, interest, or profit on such shares so long as such liabilities shall continue; but all such dividends, interests, or profits, shall be retained by the company, and applied to the discharge of such liabilities; and no stock shall be transferred, without the consent of a majority of the directors, while the holder thereof is indebted to the company.

100 dollars the amount of each share.

No shareholder to receive dividends or profits so long as he may be in debt to any company.

SEC. 47. No banking company shall take, as security, for any loan or discount, a lien upon any part of its capital stock, but the same security, both in kind and amount, shall be required of shareholders as of persons not shareholders; and no banking company shall be the holder or purchaser of any portion of its capital stock, or of the capital stock of any other incorporated company, unless such purchase shall be necessary to prevent loss upon a debt previously contracted in good faith, on security, which at the time was deemed adequate to insure the payment of such debt, independent of any lien upon such stock, or in case of forfeitures of stock for the nonpayment of installments due thereon, as provided in the ninth section; and stock so purchased shall in no case be held by the company, so purchasing, for a longer period of time than six months, if the same can be sold for what the stock cost, at par.

No banking company shall receive as security, a lien upon any part of its capital stock, nor make any purchase of stock, except under conditions specified.

SEC. 48. In all elections of directors, and in deciding all questions at meetings of stockholders, each share shall entitle the owner thereof to one vote. Stockholders may vote by proxies duly authorized, in writing; but no officer, clerk, teller or book keeper of the company shall act as proxy; and no stockholder, whose liability to the company is past due and unpaid, shall be allowed to vote.

Stockholders entitled to one vote for each share.

SEC. 49. The affairs of every company, formed and organized to carry on the business of banking under the provisions of this act, shall be managed by not less than five, nor more than nine directors. Every director shall, during his whole term of service, be a citizen of the United States, and a resident of this state. At least three fourths of the directors shall have resided in this state two years next previous to their

The number and qualifications of directors.

election as directors; each director shall own in his own name and right, at least one per centum of the capital stock of the company, up to two hundred thousand dollars, and the half of one per centum on its capital, over two hundred thousand dollars. The directors of each banking company, collectively, shall own at least one tenth of its capital stock. Each director shall take an oath that he will, so far as the duty devolves on him, diligently and honestly administer the affairs of the company, and not knowingly violate, or willingly permit to be violated any of the provisions of this act—that he is the bona fide owner, in his own right, of the stock, standing in his name on the books of the company, and that the same is not hypothecated, or in any way pledged as security, for any loan obtained, or debt owing; which oath, subscribed by himself, and certified by the magistrate before whom it is taken, shall be filed and carefully preserved in the office of the recorder of the county in which the banking company is located.

The time for which directors may be elected; how vacancies may occur and now filled.

SEC. 50. The directors of any banking company first elected, shall hold their places until the first Monday in January, next thereafter, and until their successors shall be elected and qualified. All subsequent elections shall be held annually, on the first Monday of January, and the directors so elected, shall hold their places for one year, and until their successors are elected and qualified. But any director, removing from the state or ceasing to be the owner of the requisite amount of stock, shall thereby vacate his place. Any vacancy in the board shall be filled by appointment by the remaining directors. The director so appointed shall hold his place until the next annual election; and if, from any cause, an election of directors shall not be made at the time appointed, the company shall not, for that cause, be dissolved, but an election may be held on any subsequent day, thirty days' notice thereof having been given in a newspaper printed in the county where the company is located.

Banking companies body corporate until the 1st of May 1866.

SEC. 51. Every banking company, authorized to carry on the business of banking, under the provisions of this act, whether as a branch of the State Bank of Ohio, or as an independent banking company, shall be held and adjudged to be a body corporate, with succession until the first day of May, in the year one thousand eight hundred and sixty six, and thereafter, until its affairs shall be closed, and by its corporate name shall be competent to contract, prosecute and defend suits and actions of every description as fully as natural persons; and process against such company may be served upon its president or cashier, or by leaving a copy thereof at its usual place of business during usual business hours. Each of said banking companies shall, until the first day of May, in the year one thousand eight hundred and sixty six, if so long it shall comply with the provisions of this act, have power to loan money, buy, sell and discount bills of exchange, notes, and all other written evidences of debt, except such as it shall be prohibited by

Their powers and privileges.

this act from buying, selling, or discounting—receive deposits—buy and sell gold and silver coin and bullion—collect and pay over money, and transact all other business properly appertaining to banking, subject, however, to the provisions and restrictions contained in this act; may acquire, hold and convey such real estate as may be necessary to the convenient transaction of its business, and no more; but may, however, acquire title to any real estate pledged to secure any debt previously contracted, or purchased on an execution or order of sale, to satisfy any judgment or decree in its favor, or which shall have been conveyed to it, in payment of any previous debt; but shall not hold any real estate, so acquired, longer than is necessary to avoid a loss of any part of the debt, interests and costs, for the collection or security of which it was acquired; but at any time before selling the same, upon being tendered by the last preceding owner, or his legal representatives, such sum as shall be necessary to save such company from loss of any part of the debt, interest, taxes, costs and other necessary charges for the collection or security of which such real estate was acquired, such company shall release to such owner, his legal representatives or assigns, all its right title and interest therein.

SEC. 52. Notes of one dollar, two dollars, three dollars, five dollars, ten dollars, twenty dollars, fifty dollars, and one hundred dollars each, and no note of any other denomination, may be issued by any banking company deriving any of its powers or privileges from this act. Of the notes issued by any such banking company, not more than ten per centum of the amount shall be in notes of one dollar each; not more than five per centum in notes of two dollars each; not more than ten per centum in notes of three dollars each; not more than twenty per centum shall be in notes of all denominations under five dollars; not more than fifty per centum in notes of all denominations under ten dollars.

The denominations of notes to be issued and the amount of each denomination.

SEC. 53. No banking company, deriving any of its powers or privileges from this act, shall at any time issue, or have in circulation, any note, draft, bill of exchange, acceptance, certificate of deposit, or other evidence of debt, which, from its character or appearance, shall be calculated or intended to circulate as money, other than such notes of circulation as are by this act described, and which such companies are expressly authorized to issue for the purpose of being circulated as money.

Nothing to be circulated as money, except such notes as have been described.

SEC. 54. Each independent banking company shall receive at par, at the office or banking house of such company, in payment for debts due for notes of hand, bills of exchange, or other evidences of debt, discounted or purchased by, or belonging to, such company, the notes of circulation issued by any other independent banking company, authorized to issue such notes by this act, which shall, at the time, redeem its notes in gold and silver coin; and every branch bank of the

Each company to redeem the notes of all other independent companies at par.

Each branch of State Bank to receive, at par, the notes of other branches.

State Bank of Ohio shall receive at par, at the office or banking house of such company, in payment of debts due for notes of hand, bills of exchange, or other evidences of debt discounted or purchased by, or belonging to, such branch bank, the notes of circulation issued by any other branch of the State Bank of Ohio.

Each banking company, at all times, shall have on hand, in gold and silver, or their equivalent, at least 30 per cent. of the amount of its outstanding notes, &c.

SEC. 55. Each banking company shall, at all times, have on hand, in gold and silver coin, or their equivalent, one half at least of which shall be in gold and silver coin in its vault, an amount equal to at least thirty per centum of the amount of its outstanding notes of circulation; and whenever the amount of its outstanding notes of circulation shall exceed the above named proportion, for the space of twelve days, or whenever the said gold and silver coin, or their equivalent, shall at any time fall below the amount of twenty per centum of its circulation, no more of its notes shall be paid out, or otherwise put in circulation, by such banking company, nor shall such company increase its liabilities by making any new loans or discounts other than discounting or purchasing bills of exchange, payable at sight, nor make any dividend of its profits, until the required proportion between its outstanding notes of circulation and gold silver coin, or their equivalent on hand, shall be restored. Actual deposits with any solvent bank or banker of established credit in the cities of New York, Boston, Philadelphia, or Baltimore, subject to be drawn against at sight, payable in gold and silver coin, shall be deemed equivalent to gold and silver coin, wherever these terms are used in this act.

To what extent banks may be liable.

SEC. 56. No banking company deriving any of its powers or privileges from this act, shall at any time be indebted, or in any way liable, to an amount exceeding, if a branch of the State Bank of Ohio, two thirds, or, if an independent banking company, the whole amount of its capital stock at such time actually paid in, and remaining as capital stock, undiminished by losses or otherwise, except on the following accounts, that is to say:

First—On account of its notes of circulation;

Second—On account of moneys deposited with, or collected by, such company;

Third—On account of bills of exchange or drafts drawn against money actually in deposit to the credit of, or due to, such company;

Fourth—Liabilities to its stockholders on account of money paid in, on capital stock and dividends thereon.

Prohibitions upon banking companies.

SEC. 57. No banking company shall either directly or indirectly pledge, hypothecate, or exchange any of its notes of circulation for the purpose of procuring money, to be paid in on its capital stock, or to be used in its ordinary banking operations, or for the purpose of purchasing certificates of state stock, to be deposited with the treasurer of state, or with the board of control; nor shall any banking company apply, or permit to be applied, hypothecated, or pledged any portion of

its capital stock to the purchase of certificates of state stock, to be deposited with the treasurer of state as collateral security for the redemption of its notes of circulation.

SEC. 58. No banking company shall, during the time it shall continue its operations as a bank, withdraw, or permit to be withdrawn, either in form of dividends, loans to stockholders for a longer period of time than six months, or in any other manner, any portion of its capital stock; and if losses shall at any time have been sustained by any banking company equal to or exceeding its undivided profits then on hand, no dividend shall be made, and no dividend shall ever be made by any banking company while it shall continue its banking operations, to an amount greater than its net profits then on hand, deducting therefrom its losses, bad and suspended debts; and all debts due to a banking company, on which interest is past due and unpaid for a period of six months, unless the same shall be well secured, and shall be in process of collection, shall be considered bad or suspended debts within the meaning of this act.

Loans to stockholders not to exceed 6 months —and dividends always to be made upon the net profits, &c.

SEC. 59. The directors of each banking company shall, semiannually, on the first Monday in May and November, declare a dividend of so much of the net profits of the company as they shall judge expedient; and, on each dividend day the cashier shall make, and verify by his oath, a full, clear, and accurate statement of the condition of the company, as it shall be on that day, after declaring the dividend; and similar statements shall also be made on the first Monday of February and August, in each year; which statement shall contain—

When dividends to be declared.

Statements to be made twice, annually, containing the following particulars.

First—the amount of the capital stock actually paid in, and then remaining, as the capital stock of the company;

Second—The amount of the bills or notes of the company, then in circulation, specifying the amount of each denomination;

Third—The greatest amount in circulation at any time, since the making of the last previous statement, as shall have been exhibited by the weekly statements of the cashier, specifying the times when the same occurred;

Fourth—The amount of balances and debts of every kind due to the branches of the State Bank of Ohio, the amount due to other banking companies of the state, and the amount due to banks not of this state;

Fifth—The amount due to depositors;

Sixth—The total amount of debts and liabilities, of every description, and the greatest amount since the making of the last previous statement, specifying the time when the same occurred;

Seventh—The total amount of dividends declared on the day of making the statement;

Eighth—The amount of gold and silver coin and bullion, belonging to such company, and in possession, at the time of making the statement, designating the amount of each;

Ninth—The amount subject to be drawn at sight, in gold and silver, then remaining on deposit with solvent specie paying banks, or bankers in the cities of New York, Philadelphia, Boston and Baltimore;

Tenth—The amount then on hand, of bills or notes, issued by branches of the State Bank of Ohio, the amount issued by other banking companies of this state, and the amount issued by banks not of this state;

Eleventh—The amount of balances due from branches of the State Bank of Ohio, the amount due from other banking companies of this state, and the amount due from banks not of this state, excluding, in the latter case, deposits in the cities of New York, Philadelphia, Boston and Baltimore, subject to sight drafts, payable in specie;

Twelfth—The amount on hand of bills, bonds, notes, and other evidences of debt, discounted or purchased by the company, specifying particularly the amount of suspended debt, the amount considered bad, the amount considered doubtful, and the amount in suit or judgment;

Thirteenth—The value of the real and personal property, held for the convenience of the company, specifying the amount of each;

Fourteenth—The amount of real estate taken in payment of debts due the company;

Fifteenth—The amount of the undivided profits of the company;

Sixteenth—The total amount of the liabilities to the company by the directors thereof, collectively, specifying the gross amount of such liabilities as principal debtors, and the gross amount as indorsers or sureties;

Seventeenth—The total amount of liabilities to the company of the stockholders thereof, collectively, specifying the gross amount of such liabilities as principal debtors, and the gross amount as indorsers or sureties; which statement shall be forthwith transmitted to the auditor of state.

Banking companies, on the days designated for declaring dividends, to set off to the state six per cent. on its profits, &c.

SEC. 60. Each banking company, organized under this act, or accepting thereof, and complying with its provisions, shall, semiannually, on the days designated in the fifty ninth section for declaring dividends, set off to the state six per centum on the profits, deducting therefrom the expenses and ascertained losses of the company, for the six months next preceding; which sum or amount, so set off, shall be in lieu of all taxes to which such company, or the stockholders thereof, on account of stock owned therein, would otherwise be subject; and the cashier shall, within ten days thereafter, inform the auditor of state of the amount so set off, and shall pay the same to the treasurer of state, on the order of said auditor; but in computing the profits of the company, for the purposes aforesaid, the interest received on the certificates of the funded debt of this state, held by the company, or deposited with, and transferred to the treasurer of state, or to the board of control by such company, shall not be taken into the account.

SEC. 61. Every banking company, deriving any of its powers and privileges from this act, may take, reserve, receive and charge, on any loan or discount made, or upon any note or bill of exchange, or other evidence of debt, at the rate of six per centum per annum on the amount of any such note, bill of exchange, or other evidence of debt, so discounted, and no more; provided, however, that interest may be reserved, or taken in advance, at the time of making the loan or discount, according to the usual rules of banking, or as calculated in Rowlett's tables; and the knowingly taking, reserving or charging, on any debt or demand payable to such company, of a rate of interest greater than that allowed by this section, shall be held and adjudged a forfeiture of such debt or demand; but the purchase, discount or sale, of a bill of exchange payable at another place than the place of such purchase, discount or sale, at the current discount or premium, shall not be considered a taking, reserving or receiving interest; provided no agreement or understanding shall be made that the same shall be paid at any other place than that at which it is made payable.

Every banking company may charge 6 per cent on discounts, notes, &c.; but any greater rate of interest shall cause a forfeiture of the debt or demand, &c.

SEC. 62. The total liabilities of any person, or of any company or firm (including, in the liabilities of a company or firm, the liabilities of the several members thereof) to any banking company, deriving any of its powers or privileges from this act, inclusive of liabilities as acceptor or acceptors of bona fide bills of exchange, payable out of this state, shall at no time exceed one half, exclusive of liabilities as acceptor or acceptors, one fifth, and exclusive of liabilities on such bills of exchange, one tenth part of the amount of the notes which such company is authorized to circulate, at the time of such liabilities.

Extent of liabilities.

SEC. 63. No banking company shall, at any time, pay out on loans or discounts, or in purchasing of drafts or bills of exchange, or in payment of depositors; nor shall it, in any other mode, put in circulation, the notes of any bank or banking company, either in or out of this state, which notes shall not, at that time, be receivable at par in payment of debts, and by the company so paying out or circulating such notes; nor shall it knowingly pay out or put in circulation, any notes issued by any bank or banking company which, at the time of such paying out or putting in circulation, is not redeeming its notes in gold and silver; nor any notes issued by any bank, out of this state, of a denomination less than five dollars.

Banks prohibited from circulating any notes not at par, or the notes of any banks out of the state, of less denomination than \$5.

SEC. 64. All notes, bills, and other evidences of debt, excepting bills of exchange, discounted by any banking company, shall be made by the terms thereof, or by special indorsement, payable solely to such company; and no such evidence of debt shall be assignable, except for collection, or for the following purposes:

No evidences of debt, excepting bills of exchange, assignable, but for collection, or for the following purposes:

First: To pay and redeem the circulating notes of such company.

Second: To pay other liabilities of the said company; and, after such liabilities shall have been discharged—

Third: To divide among the shareholders on their stock.

All transfers made after the commission of an act of insolvency, except in payment of its circulating notes, to be held null and void.

SEC. 65. All transfers of the notes, bonds, bills of exchange, and other evidences of debt owing to any banking company, or of deposits to its credit; all assignments or mortgages or other securities on real estate, or of judgments or decrees in its favor; all deposits of money, bullion, or other valuable thing for its use, or for the use of any of its stockholders or creditors; all payments of money to either, made after the commission of an act of insolvency or in contemplation thereof, with a view to prevent the application of its assets in the manner prescribed by this act, or with a view to the preference of one creditor to another, except in payment of its circulating notes, shall be held utterly null and void.

If the directors, directly, or indirectly, knowingly violate any of the provisions of this act, such violation shall cause a forfeiture of their privileges.

SEC. 66. If the directors of any banking company which shall have availed itself of any of the privileges granted by this act, shall knowingly violate, or knowingly permit any of the officers, agents or servants of such company to violate any of the provisions of this act, all the rights, privileges and franchises of said company, derived from this act, shall thereby be forfeited; such violation shall, however, be determined and adjudged by a court of competent jurisdiction, agreeably to the laws of this state and the practice of such court, before the corporation shall be declared dissolved; and in case of such violation every director who participated in, or assented to the same, shall be held liable in his personal and individual capacity for all damages which the company, its shareholders, or any other persons, body politic or corporate, shall have sustained in consequence of such violation.

Officers of banks, for certain specified offences, shall be deemed guilty of a misdemeanor, &c.

SEC. 67. Every president, director, cashier, teller, clerk or agent of any banking company, who shall embezzle, abstract, or willfully misapply any of the moneys, funds, or credits of such company, or shall, without authority from the directors, issue or put in circulation, any of the notes of such company, or shall, without such authority, issue or put forth any certificate of deposit, draw any order or bill of exchange, make any acceptance, assign any note, bond, draft, bill of exchange, mortgage, judgment or decree, or shall make any false entry on any book, report or statement of the company with an intent in either case to injure or defraud such company, or to injure or defraud any other company, body corporate or politic, or any individual person, or to deceive any officer or agent appointed to inspect the affairs of any banking company in the state, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be confined in the penitentiary at hard labor, not less than five nor more than ten years.

Other banks, upon certain conditions, may be authorized to recommence banking.

SEC. 68. The stockholders of the bank of Geauga—of the Western Reserve Bank—of the Columbiana Bank of New Lisbon—of the Lafayette Bank of Cincinnati, and of the Ohio Life Insurance and Trust Company shall, in each case, be considered as having associated and formed a company for the purpose of banking under the provisions of this act, with such

amount of capital stock, by such name and at such place, within the county where such banking company is now located, as shall be determined on by a majority of the directors or trustees; and after making, acknowledging and filing with the county recorder a certificate setting forth the name, amount of capital, and the place of banking of such company, and transmitting to the board of commissioners a copy thereof, as prescribed in the seventh section, and after said commissioners shall have examined the condition of such company, and found that as to the amount of its capital, its gold and silver coin, or their equivalent, on hand, the requirements of this act have been complied with, such company shall be authorized to recommence, and, during the time limited by this act, carry on the business of banking, subject to the limitations, restrictions and liabilities herein prescribed; and on depositing with the treasurer of state, (subject, in case such company shall elect to become a branch of the State Bank of Ohio, to the order of the board of control,) certificates of funded debt, or money, to an amount equal to the amount required of the new companies formed and organized under the provisions of this act, as compared with the amount of their circulating notes, such company may immediately proceed to issue its notes of circulation to any amount within the limits in such cases prescribed by this act. But when the board of control or the treasurer of state, as the case may be, shall be prepared to furnish notes for circulation, the notes previously issued by such company shall not be reissued or in any way put in circulation by such company, but shall be transmitted to the treasurer of state, or the board of control, to be destroyed, as in the case of defaced or mutilated notes, and new notes received in lieu thereof; provided, however, that the capital set apart for banking purposes by the Ohio Life Insurance and Trust Company, and the capital of the Lafayette Bank of Cincinnati, may each extend to any sum not less than three hundred thousand dollars, nor exceeding one million dollars; but the circulating notes of neither of said companies shall at any time exceed six hundred and fifty thousand dollars. In determining the number, qualifications and liabilities of the directors or trustees of the two last named companies, they shall each be governed by their respective acts of incorporation; and the Ohio Life Insurance and Trust Company shall in all things, except as to its banking operations, be governed by its original charter.

SEC. 69. That the Bank of Wooster, at Wooster; the Bank of Massillon, at Massillon; the Bank of Norwalk, at Norwalk; the Bank of Circleville, at Circleville; the Clinton Bank of Columbus, at Columbus; the Bank of Xenia, at Xenia, and the Bank of Sandusky, at Sandusky, may, within one year from the passage of this act, and whenever two thirds of the directors, or the owners of a majority of the capital stock of any such bank, shall elect to do so, become an incorporated bank

The Bank of Wooster, &c. may become incorporated banks within one year, under the provisions, and during the time limited by this act, provided that they be governed

by the provisions of their original acts until the expiration of their respective charters.

under the provisions and during the time limited by this act, and, as such, be entitled to use and enjoy all the privileges, and be subject to all the liabilities and restrictions of the same; provided that the banks named in this section may, as far as the liabilities of their directors incurred previous to their acceptance of the provisions of this act, and as to their qualifications, be governed by the provisions of their several original acts of incorporation until the expiration of their respective charters; provided, also, that the acceptance of the provisions of this act, by the Ohio Life Insurance and Trust Company shall not be construed to take away, or abridge, the banking powers now enjoyed by said company, under its act of incorporation, after the franchises granted by this act shall have expired.

The banking institutions named in the 69th section, to be examined before they can enjoy the privileges granted by this act.

SEC. 70. That before any banking institution named in the next preceding section shall be entitled to the provisions granted by this act, the board of commissioners, or the board of control, as the case may be, shall appoint some suitable person to examine the assets, moneys, credits, effects and liabilities of such bank, and report the same to the commissioners, or board of control; and every such bank shall be considered as having a capital equal to the amount of its existing capital not exceeding the amount authorized by the act incorporating the same, deducting any amount of losses, bad debts, or debts not well secured, that may exist, greater in amount than the surplus property of said bank, undivided and on hand; provided that each of the banks named in the preceding section shall be allowed to fill up its capital stock by new subscriptions or otherwise, to the amount authorized by the law creating the same; and provided further, that the bank of Xenia, and the bank of Sandusky, shall be authorized to receive subscriptions to the capital stock of their respective institutions, to any amount not exceeding one hundred thousand dollars, in addition to the amount authorized by their respective acts of incorporation.

The amount of safety fund required by this act to be deposited by the institutions named in 69th section.

SEC. 71. That before any banking institution, named in the sixty ninth section of this act, shall be entitled to enjoy the privileges in this act granted, it shall deposit, with the proper board, the amount of safety fund required by this act; and every such banking institution shall, whenever seven or more institutions shall have been formed for that purpose, including those designated by name in this act, that may have accepted and complied with its provisions, become, and thereafter be considered, a branch of the State Bank of Ohio; and, as such, enjoy all the rights and privileges, and be subject to all the liabilities and restrictions provided for in the same; provided that any of the banks named in the sixty ninth section of this act, may, after examination and report, as provided in the next preceding section of this act, elect to become an independent bank, and upon compliance with the rules and regulations prescribed for the government of independent banks, as far as

may be applicable, such banking company shall be entitled to all the privileges, and be subject to all the restrictions of this act.

SEC. 72. That whenever any branch of the State Bank of Ohio shall desire to close the business of such branch, and withdraw the capital thereof, it may be lawful to do so with the consent and under the direction of the board of control, but not otherwise.

Any branch may close business, by consent of the board of control.

SEC. 73. The commissioners appointed by the fifth section of this act shall each be entitled to receive two dollars for each day actually employed, and the like sum for each fifty miles they shall travel in the performance of the duties enjoined on them by this act, which compensation shall be paid out of any moneys in the treasury not otherwise appropriated, on the order of the auditor of state, and the auditor shall assess an equal portion of the amount so paid, on each banking company that shall have availed itself of the privileges granted by this act; and each special agent appointed by said commissioners to examine and report the condition of any company, as provided in the tenth section, shall receive the same compensation as is allowed to a commissioner for his services, which shall be paid by the company whose condition he was appointed to examine.

Compensation of commissioners.

SEC. 74. Whenever, by the terms of this act, it shall be required to publish a notice in a newspaper of any particular county, and there is no newspaper at such time printed in such place, a notice printed in a newspaper of general circulation in such county for the time required, shall be considered as sufficient notice; and whenever, to comply with the provisions of this act, an oath is required, an affirmation shall, in all such cases, be considered a sufficient compliance with the same; and whenever the term funded debt is used in this act, as applicable to the debts of this state, it shall be construed to mean all debts of this state due upon certificates of debt on state bonds, and drawing not less than five per centum per annum interest.

Notice; oath; funded debt, &c.

SEC. 75. The act entitled "an act to regulate banking in Ohio," passed March seventh, one thousand eight hundred and forty two, and an act entitled "an act to amend the act entitled 'an act to regulate banking in Ohio,'" passed February twenty one, one thousand eight hundred and forty three, are hereby repealed; provided, that the bank of Sandusky, the Lafayette bank of Cincinnati, the bank of Xenia, the bank of Wooster, and the bank of Norwalk, shall be subject to all the provisions of their respective original charters, and all amendatory acts relating to the same, respectively, not heretofore, or by this act repealed, until they respectively conform to and accept the provisions of this act; provided, further, that nothing contained in this act shall be so construed as to permit any of the banks of this state to issue notes of a less denomination

Acts repealed, and provisos.

than five dollars, except such banks as shall accept of and comply with the provisions of this act.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.

DAVID CHAMBERS,
Speaker of the Senate.

February 24, 1845.

AN ACT

In addition to the act entitled "An act to provide for the appointment of Wreckmasters and define their duties," passed February 13, 1839.

Stranded property. SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That when any person shall discover any shipwrecked property in the waters, lakes, bays, inlets, rivers, creeks, or harbors of this state, or on or near the shores of the same, he shall forthwith give information thereof to the commissioner of wrecks as required in the ninth section of the act to which this is an amendment, and the same proceedings shall be had therewith as is required by said section in case of stranded goods or other property; and should any person discovering said shipwrecked property conceal or convert the same to his own use, or fail to give information to the commissioner within four days as directed above, he shall be subject to be dealt with, and to the same penalties and damages prescribed in said section for similar delinquencies in case of stranded goods or other property.

Persons neglecting to give notice.

How punished.

Concealment of stolen goods.

How punished.

SEC. 2. If any person shall steal or embezzle any shipwrecked property or conceal the same, knowing it to have been stolen or embezzled, he shall be subject to the same suits, penalties, damages, liabilities and prosecutions provided in the tenth section of the aforesaid act in case of the stealing, embezzlement or concealing of stranded goods or other property.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.

DAVID CHAMBERS,
Speaker of the Senate.

February 28, 1845.

AN ACT

To appoint Commissioners to examine the books, accounts, and proceedings of the Board of Public Works, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That there shall be appointed, by joint resolution of the general assembly, a board of commissioners, three in number, whose duty it shall be to examine the books, accounts and vouchers of the board of public works and canal commissioners, filed in their office, and all the books, vouchers, entries and papers of the several commissioners, engineers, superintendents, officers, collectors, receivers and agents of the state, that now are or heretofore have been employed on the public works of the state; also, to examine and inquire into the manner of making contracts, both on the public works, and including the national road, and the manner of executing said contracts, and to make such examination as shall be necessary to ascertain whether any or all of such works have been conducted with due regard to economy and the public interest, and whether the several officers and agents of the state, which now are or heretofore have been employed on the public works, have faithfully and honestly discharged their duties as such officers and agents, and faithfully disbursed and accounted for all the moneys which have come into their hands; and, in general, to inquire and examine whether any officers, agents and servants of the state, or other person in the service of the state, in any capacity whatsoever, connected with the public works of the state, or in which the state is interested, has been guilty of any unfaithfulness, negligence or other misconduct, to the injury of the state, in reference to its public works, or works in which the state is interested, and to collect, by all proper and legal ways and means, necessary and useful information to guide the future action of the general assembly on the subjects aforesaid. Two of said commissioners shall be a quorum to do business, and, in the absence of the president, those present shall determine, by lot, which of the two shall act as president; and the governor shall have power to fill all vacancies in said board.

Three commissioners to be appointed.

Their duties.

Quorum.

Gov. to fill vacancies.

SEC. 2. That said commissioners shall meet for this purpose, at the city of Columbus, on the first Monday in May; they shall each take an oath or affirmation faithfully and honestly to discharge the duties required of them by this act; they shall appoint one of their body president, and, having organized, proceed to the examination of the books and accounts of the board of public works; and they are hereby authorized to hold their sittings at Columbus, and at any other place or places, on either of the public works of the state or national road, where they shall deem it most convenient to enable them to perform the duties required in the first section of this act;

How to organize, &c.

—And where to hold their sittings.

and all proceedings and investigations of said board, and of each member thereof, shall be in accordance with some general or special rule, resolution or directions of a majority of said board.

Powers.

SEC. 3. That said commissioners shall have the same power to grant commissions to take depositions, and to compel the attendance of witnesses, within any county, that is possessed by the court of common pleas of such county; and they may require any sheriff or constable, of the county where they are in session, to serve any writ issued by them, to procure the attendance of witnesses, under the same penalties for neglect as they are under for neglecting or refusing to serve any similar process, which they are, by law, now required to serve; and all writs issued by said board shall be attested and signed by the president of the board.

Writs.

Oaths.

SEC. 4. That said commissioners are, each, hereby authorized to administer any and all oaths necessary in discharge of the duties required by this act.

Fees, &c.

SEC. 5. That said commissioners shall receive for their services the sum of three dollars per day, during the time they may be engaged, and two dollars and a half for every twenty five miles travel in going to and returning from such places of examination; and the commissioners shall be allowed, in addition to their per diem and mileage, fees of sheriffs, constables, commissioners appointed by said board to take testimony, and witnesses, and the cost of stationery used in the discharge of their duties, as such commissioners, and reasonable compensation, not exceeding two dollars per day, for a clerk, for such time as it may be necessary for them to have one, and postage on letters, sent and received, relating to their duties as such commissioners; but they shall be entitled to no per diem pay while engaged in traveling.

To report.

SEC. 6. That said commissioners report their doings in the premises to the next general assembly within ten days after the commencement of the session.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 6, 1845.

AN ACT

To amend the act entitled "An act to allow Juries before Justices of the Peace," passed February 14, 1840.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That no motion shall be heard to set aside a verdict and for a new trial under the seventh section of the above recited act, unless such motion is made and notice thereof served on the opposite party, or the attorney or agent of the party, within three days after rendition of such verdict, which notice shall state the time of making such motion. And, also, the time when said motion will be heard, which last mentioned time shall be not less than one, nor more than three days after the service of said notice; and if said motion shall be sustained, the justice shall set the cause for trial, by forthwith making the necessary entry on his docket fixing the time of trial not less than three, nor more than twelve days from the hearing of said motion, and said case shall be proceeded in in all respects as upon the service and return of a summons; and when in case of appeal from the judgment of any justice of the peace under the before recited act, it shall appear that the plaintiff by his bill of particulars before such justice claims more than twenty dollars, and that the verdict of the jury was either in favor of the defendant or in favor of the plaintiff for a less sum than twenty dollars, said cause shall be entered in the court of common pleas, and shall be proceeded upon in all respects as other cases of appeal. But in case the plaintiff shall not recover a larger sum than twenty dollars, exclusive of interest since the rendition of the judgment before the justice, he shall be adjudged to pay all costs accruing in the court of common pleas, (including a fee of five dollars to defendant's attorney,) and in case the defendant shall by his bill of particulars demand as a setoff a greater amount than twenty dollars, he shall have the same right of appeal in case of an adverse verdict as the plaintiff, and in case he shall not recover a larger sum than twenty dollars, he shall in like manner pay all costs accruing in the court of common pleas, including a fee of the same amount to the plaintiff's attorney.

Motion to set aside shall not be heard, unless, &c.

When trial to be had if the motion is sustained.

Regulations as to the payment of costs in the court of common pleas in certain appealed cases.

SEC. 2. That the words civil action, as used in the first section of the act, to which this is an amendment, shall be taken to mean and apply as well to trials of the right of property levied upon by constables by virtue of execution issued by justices of the peace, as to actions at law.

How the words "civil action" apply.

SEC. 3. That so much of the act to which this is an amendment as conflicts with the provisions of this act is hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 4, 1845.

AN ACT

[To fix the minimum price of the sales of School Lands.

Minimum price. SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever any land granted by Congress for the use of schools, in this state, shall, by virtue of any act of the legislature that now is, or may hereafter be passed, be offered for sale, such land shall in no case be sold for a less sum than five dollars per acre, nor for a less amount than the appraised value thereof.

Acts repealed. SEC. 2. That all laws and parts of laws relating to the sale of school lands so far as the same conflicts with this act, be and they are hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 4, 1845.

AN ACT

To regulate the State Library.

Commissioners. SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the state library shall be under the control and management of a board of commissioners, consisting of the Governor, Secretary of State and State Librarian.

Powers. SEC. 2. That the commissioners of the library shall have power to adopt any rules and regulations proper or necessary for the preservation, regulation, and increase of the library, not inconsistent with the law, which the librarian shall in all things observe, and to superintend and direct all expenditures of appropriations made for the library.

Relative to sale of reports, &c. SEC. 3. That the said board of commissioners shall have the control of the sale of the reports of the supreme court, and all extra copies of statistics and other documents not otherwise appropriated, or otherwise advisable to be preserved and kept in the library; and for the purpose of making such sale, the commissioners may appoint a suitable person upon such terms as they shall deem best, from whom they shall take a bond with satisfactory surety, conditioned for the faithful performance of his duty and paying over the proceeds of the sales by him made; and the commissioners shall apply the proceeds of all such sales to the increase and preservation of the library.

Exchanges. SEC. 4. The commissioners shall direct the librarian to exchange statutes, journals, and legislative documents, and other books, with other legislative bodies, states and libraries, as they shall deem proper.

SEC. 5. The commissioners shall make an annual report to the general assembly of all receipts and expenditures, of the condition of the library, and all other matters they deem expedient for the information of the general assembly. To report annually.

SEC. 6. All persons shall be permitted to visit the library and examine and read the books there without taking the same therefrom under such regulations as the board of commissioners shall prescribe; members and exmembers of the general assembly, judges of the supreme court and officers of the state, actually engaged in the service thereof, shall have free access to the use of the books of the library, and have the liberty of taking the same out under such regulations as the commissioners may determine as best comporting with public interest, and the object of the state library; but no public officer or other person having a right to take books out of the library shall have the authority to give any other person an order to take books out of the same, and if any person having such right shall give such order or otherwise obtain books out of the library to be used by any other person not having such right, such person thereupon shall forfeit all right to take books therefrom. Rules, &c.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate

March 6, 1845.

AN ACT

To amend the act entitled "An act to amend the act entitled an act establishing a Superior Court in the city of Cincinnati," passed March 27, 1841.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the term of the superior court of Cincinnati, commencing on the second Monday of July, shall, hereafter, commence and be holden on the first Monday of June, in each year. Time changed.

SEC. 2. That so much of the act passed March, one thousand eight hundred and thirty eight, establishing a superior court in the city of Cincinnati, and the act amendatory thereto, passed March twenty seven, one thousand eight hundred and forty one, as conflicts with this act, be and the same is hereby repealed. Repealing parts of acts.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 8, 1845.

AN ACT

To amend an act entitled "An act to abolish the Board of Canal Commissioners and to revive the Board of Public Works." passed March 5, 1839, and the several acts supplemental and amendatory thereto, and for the better regulation of those having in charge the public works of this state.

Who shall compose the Board.	SEC. 1. <i>Be it enacted by the General Assembly of the State of Ohio,</i> That the board of public works shall, hereafter, consist of one president, two acting commissioners, to be known as the board of public works, and to be elected by the joint ballot of the two houses of the general assembly, designating the office and term of service of each member; one for one year, one for two years and one for three years, whose places shall be filled as their terms of service may respectively expire, annually, by joint ballot of the legislature, and in cases of vacancy by death, resignation or otherwise, the appointment to be made shall be for the unexpired term of the office, so that one member shall be annually selected or reappointed, and said board shall hold their offices respectively until their successors are elected and qualified. The commencement of their term of office shall be on the first of April next, at which time they shall meet at the city of Columbus, and at said time and place the present board shall deliver over to the newly constituted board, all books, maps, charts, surveys, estimates, contracts and papers and all other property of whatsoever description pertaining to their office, or in which the state has an interest.
How elected.	
Terms of service.	
Vacancies.	
First meeting.	
Late Board—their duty.	
Office—where kept.	SEC. 2. That said board shall keep an office at the city of Columbus, under the immediate charge of the president of said board; the president shall preside at all meetings of the board and take charge of the records, books and papers connected with the department of the public works; take charge of all correspondence with said board, and shall do and perform such other duties as said board may determine, or as shall be prescribed by the act of the legislature. And the said board immediately after the organization thereof shall divide the public works of the state as equally as may be practicable into two districts; the districts shall be denominated the eastern district and western district, and the acting commissioners shall each take charge of such one of said districts as may be assigned to him by said board, and be responsible for the due and faithful administration of the affairs of the district under his particular charge.
President—his duties.	
Districts;	
— Who shall take charge of them.	
Oath of office.	SEC. 3. The members of said board shall each take an oath or affirmation to support the constitution of the United States, and of the state of Ohio, and honestly and impartially to discharge the duties of the office, and shall also give bond with good and sufficient security to be approved of by the Governor, in the penal sum of not less than thirty thousand dollars, conditioned for the faithful and honest discharge of the duties of his office, and for the faithful paying over of all money which
Bond.	

may come into his hands according to law, which bonds with the approval of the governor, indorsed thereon, shall be filed with the treasurer of state.

SEC. 4. The acting members of said board shall each, in the district under his charge, cause all works, improvements and materials for the same which are susceptible of measurement, or the character and value of which can be readily understood, to be let to the lowest bidder, who will give the required security after giving due notice by publication of the time and place of letting, except when in his opinion the public interest will suffer by delay; and every superintendent, on any of the public works of this state who is required to render an account of services or expenditures made by, or under him, shall verify such account by oath or affirmation before the same shall be allowed or passed to his credit.

Contracts to be let to the lowest bidder;

—Except, &c.

Verification of accounts.

SEC. 5. That whenever, in the opinion of said board, it will be for the public interest, to let by contract the keeping in repair of all, or any portion of the public works, except the national road said board may divide any portion of the same into suitable and convenient sections; and, thereupon, said board shall give due notice of the time and place of letting for said repairs, with the plans and specifications of said repairs, and the manner of doing the same, and said board shall let the same by sections to the lowest responsible bidder for any term of years, not exceeding five, upon condition that the bidder or bidders shall make, execute, and deliver to said board, a bond, with security, to be approved by said board, in any sum not less than double the amount of the contract price, payable to the state of Ohio, conditioned for the faithful performance of said contract, and upon such other terms and conditions as said board may determine, provided that said board shall in no case let by contract the keeping in repair of the public works, or any portion thereof, by sections as aforesaid, unless the same can be done at a price less than the average price of keeping the same in repair for the last six years. Provided, further, that in making appointments of officers or agents, the letting of contracts to individuals or companies, fixing the salaries of agents, engineers, clerks or other servants of the board, not otherwise provided by law, or in making extra allowances on any contract to an amount exceeding fifty dollars, the order shall be made by yeas and nays, and entered of record in the books of the board.

Repairs;

—Except, &c.,

—To be let to the lowest bidder.

proviso.

Salaries, and other expenditures not fixed by law;

—How paid.

SEC. 6. That payments of every kind and description, made by either of the said acting commissioners, shall be by check, drawn to the order of the payee, on the treasurer of state, and not otherwise. And whenever payment is intended to be made for any work performed, or materials for the same found, in constructing or making repairs, whether the same be by contract, or by any superintendent or agent of said board, the check of the commissioners shall be accompanied with a certificate of the superintending engineer, which certificate shall

Payments—how made.

Checks to be registered.	name the person or persons to whom there is an indebtedness, with a statement of the particular work, whether by contract or otherwise, and the value thereof; the check and certificate shall be registered in books, one to be kept by the engineer, and one to be kept by the commissioner, and the fact of the check being registered by the engineer, shall, in all cases be indorsed on the back of the check and signed by him, officially; checks on account of land, purchased by the state for hydraulic or other purposes, or on account of awards for damages, shall first be approved and indorsed by the president of the board before they shall be received and paid by the state treasurer; nor shall any greater sum be placed in the state treasury subject to the unrestricted check of either of said acting commissioners, in any one year than shall be necessary to pay the salaries of engineers and assistants, and other ordinary incidental expenses; nor shall the amount at any one time, so placed to the credit of either of said acting commissioners, exceed five thousand dollars, which sum shall be fully accounted for by said commissioner to the board before a new requisition shall be made.
Checks on account of lands purchased by state—how paid.	
Restrictions.	
Treasurer of State;	SEC. 7. That no money shall be paid by the treasurer of state on any check drawn by either of said acting commissioners, unless said check shall be presented, having all the necessary indorsements and accompanying certificate, as is prescribed in this act, nor without the special requisition made in form by said board, and in specific sums for each particular item of expenditure, which shall be placed to the credit of each of said acting commissioners, respectively, as follows, to wit:
—how governed.	First—A specific sum for the payment of engineers, superintendents and others, in the employ of said board and other incidental expenses, subject to the unrestricted check of the commissioners;
Fund subject to unrestricted check.	Second—A specific sum for land purchased, or to be purchased, and for awards of damages; and,
Lands, &c.	Third—For all other purposes, in distinct specific sums, to meet each particular case separately; and, further, it shall be the duty of said board to devise such a system of strict accountability for the acting commissioners, and all others in the employ of said board, to be applied by said commissioners, under the direction of said board, to all agents, collectors, and others receiving and disbursing the public moneys, as shall best secure the faithful disbursement of the funds intrusted to their care.
For other purposes.	SEC. 8. That the board of public works now in being, and the board as reorganized under the provisions of this act, shall, in no case, appoint any agent, collector, inspector, or other person in the employ of the board of public works, for any time longer than one year, subject, however, to a reappointment at the expiration of that term; and it shall be the duty of said board to report all that is required to be reported in the fifty fourth and fifty fifth sections of an act to abolish
Persons employed by board.	
Relative to their terms of service.	
Board to report to Governor.	

the board of canal commissioners and to revive the board of public works, passed March fifth, one thousand eight hundred and thirty nine, annually to the governor of Ohio, at least ten days next before the first Monday of December, instead of reporting the same to the legislature, as is provided in said act; and it shall be the duty of the governor to transmit said report to the general assembly with the annual message of the executive.

Who shall transmit to the General Assembly.

SEC. 9. That the acting commissioners shall each receive for his services an annual salary of one thousand dollars, to be paid quarterly out of any moneys in the treasury not otherwise appropriated, upon the order of the president of said board; and the president shall receive a per diem allowance of two dollars and fifty cents while engaged in the duties of his office.

Salaries of board.

Per diem of president.

SEC. 10. The terms of service of the now existing board of public works, together with all engineers, collectors of tolls, locktenders, or other agents of every description, shall cease and determine on the first day of April next, provided, however, that all such engineers, collectors of tolls, locktenders, and other agents, shall, nevertheless, hold their appointments until their successors shall be appointed.

Present board—when to cease.

Subordinates.

SEC. 11. The tenth section of an act entitled "an act making appropriations for the year one thousand eight hundred and forty two," passed March seventh, one thousand eight hundred and forty two, and all other acts and parts of acts inconsistent with the provisions of this act, be and the same is hereby repealed.

Repealing.

JOHN M. GALLAGHER,
✓ *Speaker of the House of Representatives.*
DAVID CHAMBERS,
Speaker of the Senate.

March 6, 1845.

AN ACT

To amend and explain the act of the 7th of March, 1842, concerning the powers and duties of Justices of the Peace and Constables in criminal cases.

Whereas, doubts have arisen as to the meaning of the proviso of the first section of the act of the General Assembly, passed March seventh, one thousand eight hundred and forty two, entitled "an act to amend the act entitled an act defining the powers and duties of justices of the peace and constables in criminal cases, passed March twenty seventh, one thousand eight hundred and thirty seven, and the act amendatory thereto;" therefore,

SEC. 1. Be it enacted by the General Assembly of the State of Ohio, That from and after the passage of this act the proviso in the first section of the act in the preamble above recited

When costs shall not be paid out of treasury.

shall be deemed and taken by all persons concerned to mean that no costs shall be paid out of the county treasury which may accrue in any prosecution before any justice of the peace, in this state, for any offence not punishable capitally, or by confinement in the penitentiary, when the justice shall have dismissed said prosecution without recognizing the defendant to the court of common pleas.

Further provisions.

SEC. 2. No costs shall be paid out of the county treasury in any case where the justice of the peace has, or shall have, power by law to impose a fine, or where the defendant shall plead guilty in case of assault and battery, and no county auditor, or other person performing his duties, shall issue any order on the county treasury in such cases.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 6, 1845.

AN ACT

Authorizing the Court of Common Pleas, in the county of Franklin, to hold special sessions of said Court, and for other purposes.

Three special terms allowed in Franklin county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the court of common pleas of the county of Franklin, is hereby authorized and empowered annually hereafter to hold three special terms, for criminal and probate business, at such time, and on such days as the said court may think proper to appoint at the regular session of said court, in each year, respectively, and the clerk and sheriff shall draw and summons travers juries, and all criminal cases pending in said court, shall come up for trial, at such special or general terms of said court, or be otherwise disposed of as said court shall direct, and all cases undisposed of, may be continued to the next regular or special term of said court, as said court may direct.

Continuances.

Fall term—time changed.

SEC. 2. That the fall term of the court of common pleas for Franklin county, for the year one thousand eight hundred and forty five, shall commence on the fourth day of November one thousand eight hundred and forty five, instead of the second day of September as provided for in the "act to fix the times of holding the courts of common pleas," passed January twenty sixth, one thousand eight hundred and forty five.

Clark county.

SEC. 3. That the court of common pleas for the county of Clark, for the year one thousand eight hundred and forty five, shall be held on the twenty second day of April, the twelfth

day of August, and the fifteenth day of October, any thing in any act to the contrary, notwithstanding.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
 DAVID CHAMBERS,
Speaker of the Senate.

March 8, 1845.

AN ACT

In addition to the act entitled "An act for the maintenance and support of illegitimate children," passed February 2, 1824.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That when any person shall have been committed to jail by authority of the third section of the act entitled "an act for the maintenance and support of illegitimate children," passed February second, one thousand eight hundred and twenty four, it shall be lawful for any associate judge of the court of common pleas of the proper county, in the court house, in such county, to discharge such person from custody, upon his entering in recognizance with sufficient securities in the amount, and with the conditions specified in the third section of the act above mentioned.

Person committed to jail may be discharged by entering into recognizance.

SEC. 2. When any person shall have been committed to jail in any county in this state, by virtue of the third section of the act mentioned in the preceding section of this act, the sheriff of such county shall be entitled to receive from the township chargeable, or to be chargeable, with the support of such illegitimate child, on account of which such person shall have been committed, such sum per week for keeping and providing for such person while in jail as is provided in case of other prisoners; provided that in one week next after such person shall have been committed, the sheriff shall give notice to one or more of the trustees of such township that such person is committed to jail, and the cause wherefor, and afterwards, upon the written order of the said trustees or a majority of them, the sheriff shall take of such person his own recognizance to appear and answer the charge wherefor he was committed, at the next term of the court of common pleas in such county, and not depart the said court without leave, and shall thereupon discharge such person from custody.

Maintenance of prisoners while in jail.

At expiration of one week the sheriff to give notice;

—and take recognizance—

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
 DAVID CHAMBERS,
Speaker of the Senate.

March 8, 1845.

9—G. L.

AN ACT

To amend the act relating to Wills, passed March twenty third, one thousand eight hundred and forty.

To authorize the survivor or survivors of executors and administrators to do certain acts.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cases where a last will and testament is admitted to probate, or a will made out of this state is admitted to record, as provided by the act to which this is an amendment, and any lands, tenements, or hereditaments are given or devised by any such will, to the executors therein named, or any of them to be sold or conveyed, or such estate shall be thereby ordered to be sold by such executors, or any of them, as provided in the fifty ninth section of said act to which this is an amendment, and one or more, or all of such executors shall resign or be removed either before such sale or after the sale and before conveyance, the sale or conveyance or both shall be made by the survivor or survivors of such executor or executors, or the administrator with the will annexed, in the same manner as is provided for in the said fifty ninth section of the act to which this is an amendment, in cases where one or more (or all) of such executors shall die, refuse to act, or fail to take upon themselves the execution of the will; and the provisions of said fifty ninth section of the act to which this is an amendment, and of this act, shall be extended to all cases where the executors in the will named, or any of them shall be authorized or empowered by such will to sell or convey any lands tenements or hereditaments.

Estates to be settled as though this act had not passed.

SEC. 2. The estates of deceased persons, in the progress of settlement under the laws in force at the time of the death of the testator, or under the said law, to which this is an amendment, shall be settled in the same manner as if this act had been in force.

Parts of certain acts repealed.

SEC. 3. That all laws and parts of laws, inconsistent with this act, be and the same are hereby repealed. This act to take effect from and after its passage.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 8, 1845.

AN AOT

To regulate Judicial Proceedings, where Banks and Bankers are parties.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all actions against any bank or banker for the nonpayment of any note, bill, check, draft, certificate of deposit, or other written evidence of debt, the plaintiff may declare for money had and received, and file with his declaration, a pertinent description of the written evidence of the debt for which suit was brought, and on the trial give the same in evidence, and recover judgment for the amount due thereon, with lawful interest from the time the same became due and payable.

Evidence against banks, &c., may be filed with declaration.

SEC. 2. In actions by incorporated banks, on notes, bonds, or bills transferred to such banks by indorsement, the banks may sue the makers, or drawers, and indorsers jointly, and declare against them for money loaned and advanced, and file with the declaration a copy, or pertinent description of the note, bond, or bill upon which suit is brought, with the indorsements thereon, and upon trial give such bond, note, or bill with the indorsement or indorsements thereon in evidence, and have judgment and execution against all the defendants upon whom process shall have been served, jointly, for the amount due thereon, and in all such cases the defendants may plead and defend jointly, or severally, provided that if the summons or capias shall be returned, in any such case as to some of the defendants, served, and as to one or more, not served, the plaintiff may have a separate action upon such bond, note or bill, against such defendants as have not been served with process, for the amount due thereon, and proceed in such action in the same manner as if no joint action had been brought, provided, also, if separate suits are brought in the first instance, the bank shall not recover costs.

Indorsed paper to be described and given in evidence.

Defendants may plead jointly or severally.

Plaintiff may have separate action.

SEC. 3. In all cases where proceedings have been commenced against any bank or banker, either at law or in chancery, to subject the rights, credits, moneys, and effects of such bank or banker to the payment of his debts, the president, directors, cashier, clerks, tellers, and other officers and agents of such bank or banker shall be competent witnesses for the party bringing the suit, notwithstanding any interest they may have in the event of the suit, and may be required at any time after the commencement of such proceedings, to testify by deposition, as in cases of nonresident, or going witnesses, provided that nothing in this act contained shall be construed to require any witness to give evidence tending to criminate himself.

Officers of bank may be competent witnesses in certain cases.

SEC. 4. In all contracts for the payment of money to banks or bankers, sureties in fact, known to the parties to be such at the time such contracts were made, may be proved to be, and shall be considered sureties in all courts, and have all the privi-

Sureties.

leges, and be subject to all the liabilities of sureties, any thing in the contract expressed to the contrary, notwithstanding.

Suits commenced under certain laws subject hereto.

Part of certain acts repealed.

SEC. 5. All suits heretofore commenced under the provisions of the act entitled "an act to regulate judicial proceedings, where banks and bankers are parties, and to prohibit the issuing of bank bills of certain descriptions," passed January twenty eighth, one thousand eight hundred and twenty four, and the act entitled "an act to amend the act entitled an act to regulate judicial proceedings, where banks and bankers are parties, and to prohibit the issuing of bank bills of certain descriptions," passed January twenty eighth, one thousand eight hundred and twenty four, and to declare the meaning and intention of the ninth section thereof," passed March fifth, one thousand eight hundred and forty two, whether judgment has been obtained or not, or decree rendered, shall in all respects be proceeded with in the same manner as though such suits had been originally commenced under the provisions of this act, and the above recited acts, passed January twenty eighth, 1824, and March fifth, 1842, be and the same are hereby repealed, provided that this act shall not affect any special act for the relief of any institution or company which has exercised or assumed any banking powers, or for the relief of the creditors thereof.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 8, 1845.

AN ACT

For the relief of Lessees or their assignees, of waterpower, in this State.

Officers to examine leases and fix rents.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of public works and the board of fund commissioners of this state, be and they are hereby authorized and required to make an examination of the leases of waterpower upon or connected with any of the public works of this state, made by any of the lawful agents of this state, in cases where the lessees of said waterpower, or any assignees thereof may require it, and to adjust and fix the rents paid or to be paid by said lessees or assignees, at such prices as they may deem just and equitable.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 10, 1845.

AN ACT

Explanatory of the act entitled "An act to encourage the organization of Fire Companies,"
passed March 13th, 1843.

SEC. 1. *Be it enacted by the General Assembly of the State* Absentees.
of Ohio, That nothing contained in the act to which this is an amendment shall be so construed as to prohibit any member of any fire company, in this state, from enjoying the privileges enumerated in said act, in consequence of temporary absence from the place where such company may be located for a period of six months, provided it was the intention of such absentee to return and continue his duties as a member of such company, and, provided further, that the privileges of the act to which this is an amendment, as explained by this act, shall be extended to members of fire companies in existence at the time, or created since the passage of the act to which this is an amendment; provided that nothing in this act, or the Proviso. to which this is an amendment, shall be construed to exonerate any member of a fire or hook and ladder company from being liable to perform military duty, unless such person shall be an active duty member and provided with all the apparatus and equipage necessary thereto.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 10, 1845.

AN ACT

Further to amend the several acts providing for the distribution and investment of this
State's portion of the Surplus Revenue.

SEC. 1. *Be it enacted by the General Assembly of the State* Fund Commis-
of Ohio, That if any county fund commissioner, or agent of sioner failing to
any board of county fund commissioners in this state, shall fail pay over money
to pay over, according to law, all moneys that may have come may be prosecu-
into his hands by virtue of either of said offices, and by him ted.
not legally invested, it shall be the duty of the prosecuting
attorney, or, in case of such prosecuting attorney being inter-
ested, then by some attorney to be appointed by the court, on
receiving instructions from the county commissioners of his
county for that purpose, to cause suit to be instituted in the
court of common pleas against such delinquent county fund
commissioner or agent and his securities, for the use of the sur-
plus revenue fund of the proper county; and it shall be lawful
for such court, at the first term thereof, after the commence-

ment of such suit, if the process issued against such county fund commissioner, or agent, and their securities, shall have been duly served and returned, to render judgment against them for the amount due from such county fund commissioner, or agent, with legal interest, and a penalty of ten per centum thereon, from which judgment there shall be no appeal; provided that, if the court shall be satisfied that justice can not otherwise be done, they may continue such cause, but in no case shall they grant more than one continuance.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 10, 1845.

AN ACT

To regulate Literary and other Societies.

Trustees and
clerk to be elect-
ed.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That from and after the passage of this act it shall be lawful for any literary, scientific, Odd Fellow, or other benevolent association, within this state, to elect any number of their members, not less than three, to serve as trustees, and one member as clerk, who shall hold their offices during the pleasure of the society.

Proceedings to
be recorded.

Recorder's fees.

A transcript of
such record evi-
dence.

Trustees to have
perpetual succe-
sion, &c.

SEC. 2. That the clerk so appointed shall make out a true record of the proceedings of the meeting, provided for in the first section of this act, certify and deliver the same to the recorder of the county in which such meeting shall be held, together with the name by which such association shall thereafter desire to be known; and it shall be the duty of each county recorder to record the same in a book of record to be provided for that purpose, (or in the one provided for the record of the association of religious societies,) and for his services he may demand and receive from the person presenting the same a compensation at the rate of ten cents for each hundred words; and from and after making such record by the county recorder, the said trustees and their associated members and successors shall be invested with the powers, privileges, and immunities incident to aggregate corporations; and a certified transcript of the record, so as aforesaid made by the recorder, shall be deemed and taken in all courts and places whatsoever, as conclusive evidence of the existence of such association and corporation.

SEC. 3. The trustees who may be appointed under the provisions of this act shall have perpetual succession, and shall possess all and singular the powers and privileges granted to,

and shall be subject to all the restrictions imposed upon societies incorporated under the act entitled "an act to regulate incorporated literary societies," passed March seventh, one thousand eight hundred and thirty nine, so far as the said act is not inconsistent with this act.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 11, 1845.

AN ACT

To amend the act entitled "An act directing the mode of proceeding in Chancery," passed March 14th, 1831.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the associate judges of the court of common pleas, in the county of Scioto, be and they are hereby authorized and required to fill vacancies that have or may occur in the office of master commissioner in chancery, during the vacation between the sessions of said court; provided that no such appointment shall extend beyond the last day of the next succeeding term.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 11, 1845.

AN ACT

To provide for an additional term of the Court of Common Pleas in the county of Allen, for the year 1845.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That in addition to the terms of the court of common pleas, for the year one thousand eight hundred and forty five, in the county of Allen, provided for by law, there shall be held in said county of Allen a term of the court of common pleas, to commence on the twenty eighth day of July, A. D., one thousand eight hundred and forty five.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT.

For the relief of the Borrowers of the Surplus Revenue of this State.

County fund commissioners may assign debts or claims upon certain conditions.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county fund commissioners of the surplus revenue of any county in this state, with the consent of the debtor and his sureties, given in writing, are authorized, on full payment being made to them by any person, in money or in state stock, bonds, or certificates, according to the provisions of the act entitled "an act for the payment of the domestic creditors of the state of Ohio," passed March thirteenth, one thousand eight hundred and forty three, to assign to such person, on such payment, any debt or claim which said commissioners may hold in the name of the state for said surplus revenue of their respective counties.

Provisions for the relief of debtors on account of said surplus revenue.

SEC. 2. That if any debtor, on account of said surplus revenue, shall, on or before the first day of October, one thousand eight hundred and forty five, pay to the county fund commissioners of his proper county, in this state, all interest and all installments which, by the existing laws of this state, may have become due on his debt, and which may still remain unpaid, said fund commissioners are authorized to receive the same; and, upon making such payment, such debtor, with the consent of his sureties, in writing, shall be entitled to the provisions of the laws now in force for the payment of the residue of his debt, whether the same be in or out of judgment. in the same manner he would have been entitled in case he had punctually paid all interest and all installments on said debt, as the same became due; provided said commissioners are satisfied that the delay of collection will not endanger the safety of such debt.

When payment to be made by fund commissioners and county treasurers.

SEC. 3. That whatever portion of said surplus revenue said fund commissioners are, by the existing laws, bound to pay over to their respective county treasurers, shall be paid over on the first day of January, April, July, and October of each year; and whatever portion of such surplus revenue said county treasurers are, by the existing laws, bound to pay over to the treasurer of state shall be paid over, or remitted, quarterly, on the days aforesaid, or as soon thereafter as convenient, for which service such county treasurers shall receive one half of one per centum on the amount so paid over.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 11, 1845.

AN ACT

To provide for the safe keeping of lunatic convicts.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the directors of the Ohio penitentiary be and they are hereby authorized and required to cause to be erected, or provide a suitable department for the reception of lunatic or insane convicts in said prison, of such dimensions as may be necessary to accommodate the convicts that now are or hereafter may become insane in said prison, provided the same can be erected by convict labor, and not interfere with the labor heretofore appropriated to aid in the enlargement of the lunatic asylum.

Directors of prison may erect an additional department.

SEC. 2. That whenever a convict in the Ohio penitentiary shall become insane, the warden shall give notice to the physician for said prison, and the superintendent of the lunatic asylum; the physician and superintendent aforesaid, upon receiving such notice, shall forthwith examine such convict, and if, upon such examination, they shall be of opinion that said convict is insane, they shall certify the same to the warden of the prison, who shall, forthwith, put such lunatic or insane convict in the department prepared for that purpose.

When a convict becomes insane notice to be given to the physician of the prison and superintendent of the lunatic asylum, who shall examine such convict;

SEC. 3. That the physician for said prison, together with the superintendent of the lunatic asylum, shall give such medical and surgical aid to the lunatic convicts as the nature of their cases may require; and whenever any lunatic or insane convicts shall be adjudged to be restored to their proper minds, or so far restored that it may be considered safe to put them at labor, under their sentence, and certified by the physician and superintendent as aforesaid, the warden of the prison shall again put such restored convict at hard labor according to his sentence.

—and give such aid as may be required;

—and certify to his restoration, if restored.

SEC. 4. That whenever the directors may be of the opinion that the interest of the prison requires it, they may authorize the warden of the said prison to appoint a deputy, and, during the inability of the warden to perform his duty, either by sickness or necessary absence, such deputy shall perform all the duties pertaining to the office of warden which may be prescribed by said warden; and for his services such deputy shall be paid any sum, at the discretion of the directors, not exceeding forty dollars per month, provided that the principal warden shall be responsible for the acts of such deputy.

Deputy warden —his salary.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 11, 1845.

AN ACT

To change the line dividing the first and second Brigades, first division, Ohio Militia.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That in the county of Hamilton, in the first division, the townships of Crosby, Whitewater, Miami, Storrs, Millcreek, Delhi, and Greene, shall form the first brigade; the townships of Anderson, Colerain, Springfield, Sycamore, Columbia, Symmes, and Fulton, in said county, shall form the second brigade.

SEC. 2. That so much of the act entitled an act, passed March eighth, one thousand eight hundred and thirty seven, to organize and discipline the militia, as is inconsistent with this act, be and the same is hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 11, 1845.

AN ACT

To amend the act entitled "An act to provide for the safe keeping of idiots, lunatics, or insane persons, the management of their affairs, and for other purposes," passed March 9, 1838.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the guardian of any idiot, lunatic, or insane person may, under the eighth section of the act entitled "an act to provide for the safe keeping of idiots, lunatics, or insane persons, the management of their affairs, and for other purposes," passed March ninth, one thousand eight hundred and thirty eight, apply to the proper court of common pleas for an order to sell any real property of his ward, in the manner prescribed by the said section, upon the ground that it is the interest of such ward to sell such real estate, and the court, upon being satisfied that it is the interest of such ward that such real estate should be sold, may order such guardian to sell such real estate, in the same manner as in other cases of the sale of such property.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

To authorize the establishment of lines of true meridian in the several counties of the State of Ohio.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of each and every county in the state of Ohio, except in the counties of Stark and Monroe, may, and they are hereby authorized, whenever they shall deem it expedient, to employ some suitable person of competent skill to establish, at or near the county seat of each county, respectively, lines not less than forty rods or perches in length, corresponding with the true meridian of the place, to be determined by observations of the transit of the polar star, or of its greatest elongation, to be rectified by observations of the sun's amplitude.

County Commissioners to appoint suitable persons to establish lines of true meridian.

SEC. 2. After such lines of true meridian shall have been established, it shall be the duty of the county commissioners to appoint some proper person to make observations from time to time, not less than once in each month, to ascertain the declination of the magnetic meridian from the true meridian; and when any alteration thereof shall be ascertained, such observer shall report the particulars thereof to the county auditor, who shall, thereupon, cause such particulars to be published at the cost of the county, in some newspaper of general circulation in the county.

A proper person to be appointed to make observations.

SEC. 3. The surveyor of each and every county, after such line of true meridian shall have been established in such county, shall correct and rectify the compasses and other instruments used by him in determining the courses and angles of surveys, and shall fix the indices of such instruments to correspond with the true meridian, and shall take notice of any deviation of the magnetic meridian from the true meridian, when discovered; and shall notice such variation on every survey bill or map made by him before such survey bill or map shall be recorded; and, after such lines of true meridian shall have been established in any county, no county surveyor shall be allowed to certify or testify to the accuracy of any survey thereafter made, unless the compasses, or other instruments used in determining the courses thereof, shall have been corrected and adjusted to the true meridian and subsequent observations, as is above provided with regard to the instruments to be used by the county surveyors.

Duty of county surveyors.

SEC. 4. The commissioners of the several counties where the lines of true meridian shall be established, may appoint some competent person to examine and correct, and adjust to such true meridian line, any compass or other instrument used to measure angles, which may be offered for that purpose, so that such instruments shall correspond with such true meridian; and the person so appointed shall be entitled to ask for

A competent person to be appointed to adjust instruments, &c.

and receive for any instrument so adjusted the sum of one dollar for the first correction, and fifty cents for each subsequent alteration, and shall, at the same time, at the request of the owner of such instrument by him adjusted as aforesaid, give to such owner a certificate, under his hand and seal, setting forth the date and particulars of such correction or subsequent alteration.

How persons appointed are to be paid.

SEC. 5. The commissioners of each and every county, except as aforesaid, are hereby authorized to pay out of the county treasury, to the person or persons employed to establish the line of true meridian, and to notice all subsequent declinations of the magnetic meridian, such compensation as such county commissioners shall deem reasonable.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

To revive certain acts therein named.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the parts of acts repealed by the act entitled "an act to amend an act regulating judgments and executions," passed March fourth, one thousand eight hundred and forty two, and further to amend the act entitled "an act defining the powers and duties of justices of the peace and constables, in civil cases," passed January nineteen, one thousand eight hundred and forty three, be and the same are hereby revived.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

Further to amend the act providing for the distribution and investment of this State's proportion of the Surplus Revenue, passed March 28, 1837.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That where the term of service of any county commissioner has expired, or may hereafter expire, who has acted as a county fund commissioner, he may resign his office of fund commissioner of such county, to the associate judges of the county, and from the time of his resignation, he shall be released and discharged from the performance of any duty as a fund commissioner. County fund commissioner may resign—to whom.

SEC. 2. That it shall be the duty of the associate judges, receiving such resignation, to notify the successor of the county commissioner, whose time has expired, or shall expire, to enter into bond, and qualify himself to perform the duties of a county commissioner, agreeably to the provisions of the above recited act. His successor—duties;

SEC. 3. That if the said county commissioner, so notified, shall neglect or refuse, for the space of ten day after said notice, to enter into bond and security, for the faithful performance of the duty of fund commissioner for such county, it shall be the duty of the associate judges to appoint some other suitable person, who shall enter into bond agreeably to the provisions of the aforesaid act. Neglect of same—how provided for.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

To prevent the bringing into the state of Ohio, paupers, having no settlement therein.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That if any person shall transport, remove or bring, or cause to be transported, removed or brought, any poor or indigent person from any city, township or county, in this state, to any other city, township or county, in this state, without lawful authority, and there leave such poor or indigent person, with intent to make such city, township or county chargeable with the support of such pauper, each and every person so offending shall forfeit and pay the sum of fifty dollars, for each and every such offence, for the use of the poor of the city, or township, in which such pauper shall be left, to be recovered by action of debt in the name of the state of Ohio, before any court of competent jurisdiction. Persons removing paupers from any county or city to other county or city liable to penalty. How penalty recovered.

Bringing paupers
&c., into this
state, from
abroad;

—penalty there-
for.

Obligation—
bond.

Penalties—how
applied.

Overseers of the
poor, prosecut-
ing attorneys—
their duties.

Limitation.

Costs—how tax-
ed.

When to take
effect.

SEC. 2. If any person shall wilfully, and without lawful authority, bring or cause to be brought into this state, any poor or indigent person, or lunatic, without a protector, from any place without this state, and there leave or attempt to leave such person, with the intent to make the township, city or county in which such person shall be left or attempted to be left, chargeable with the support or maintenance of such person, each and every person so offending shall forfeit and pay fifty dollars, for every person so left, or attempted to be left, to be recovered in the name of the state of Ohio, in an action of debt before any court of competent jurisdiction, for the use of the poor of the city or township wherein such poor or indigent person or lunatic shall be left or attempted to be left, as aforesaid; and any person or persons guilty of either of the offences specified in this section, shall be obliged to convey such poor or indigent person, or lunatic person, out of this state, or shall give bond to the state of Ohio, with security to be approved of by the trustees of such township, or the treasurer of such city, for the maintenance of such poor or indigent person, or lunatic; provided, however, that in any county, wherein the poor are supported in a county poorhouse, the penalties which may be collected under this act, shall be appropriated for the benefit of such poorhouse.

SEC. 3. It shall be the duty of the trustees and overseers of the poor of the township, and of the prosecuting attorneys of each county, whereof any of the offences by this act provided against shall be committed, to cause such offence to be prosecuted as soon as possible after the commission of such offence; and all such offences shall be prosecuted by commencing proceedings within two years after the commission of the offence, and not after; and in all cases where prosecution shall fail, the costs shall be taxed against and paid by the township or county which would be entitled to the penalty if the prosecution had been successful.

SEC. 4. This act shall take effect from and after the first day of, June, A. D., one thousand eight hundred and forty five.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 12, 1845.

AN ACT

To amend the "Act to provide for the more effectual punishment of certain offences."

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever hereafter any person shall be convicted of any criminal offence, committed after the passage of this act, all or any part of the punishment of which by law is an imprisonment in the county jail, the court, in lieu of such imprisonment, may sentence such persons to hard labor in the jail of the proper county, any length of time, not exceeding six months, at the discretion of the court.

Courts may sentence to hard labor in certain cases;

SEC. 2. That labor thus to be performed shall be under the direction of the commissioners of the county, who may adopt such orders, rules and regulations in relation thereto, as they may deem best, and the sheriff or other officer, having the custody of such convicts, shall be governed thereby; and it shall be the duty of the sheriff of the county to collect and pay into the treasury of the county the amount of the avails of the labor of such convicts, and take the treasurer's receipt therefor, which receipt he shall forthwith deposit with the auditor of the county.

—under the direction of county commissioners.

The avails of which to be paid into treasury.

SEC. 3. That for the purpose of enabling the county commissioners of any county in this state to employ, in a profitable manner, all persons who may be convicted under the provisions of this act, the county jail, in such cases, is hereby declared to extend to any stone quarry or quarries, road or roads, or other place or places within the limits of the proper county, at which the convicts may be advantageously employed, without the walls of the prison, by the county commissioners, aforesaid.

Jail may extend to certain places.

SEC. 4. That the provisions of this act shall only extend to and be in force in the counties of Montgomery, Muskingum, Meigs, Scioto and Lake.

This act to apply to certain counties only.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

To regulate the Judicial Courts and the practice thereof.

Court in Bank to be held twice in each year. SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That after the year one thousand eight hundred and forty five, the court in bank shall be held at the court house, in the city of Columbus, twice in each year, at such times as the legislature shall appoint.

No appeal to be taken to supreme court, but new trial may be ordered. SEC. 2. Hereafter there shall be no appeal of any action or proceedings at law, from any other court, to the supreme court; but the courts shall, in all cases, order new trials, where law and justice require it.

In cases pending in common pleas &c., either party may except to opinion of court for cert'in causes and remove case by writ of error. SEC. 3. In all cases pending in the court of common pleas, or in the superior court of Cincinnati, either party shall have the right to except to the opinion of the court, on a motion to direct a nonsuit, to arrest the testimony from the jury, and also in all cases of motion for a new trial, by reason of any supposed misdirection of the court to the jury, or by reason that the verdict may be supposed to be against law or evidence, so that such case may be removed by writ of error; and when a party to a suit, in either of the aforesaid courts, alleges an exception to any opinion, order or judgment of such court, it shall be the duty of the judges of such court, concurring in such judgment, opinion or order, if required by such party, during the progress of the case, to sign and seal a bill containing such exception or exceptions, before the case proceeds; or, if the party consent, the signing and sealing of such bill of exceptions may be suspended until the trial is closed, but said bill of exceptions shall be signed and sealed during the term; and such bill of exceptions, when signed and sealed, shall, if the party desire it, be made a part of the record in such suit.

When judgment excepted to, judges to sign and seal a bill, during the term;

—which shall be made part of record.

In what cases opinion of court may be examined and judgment reversed, &c., by supreme court. SEC. 4. In all cases pending in the court of common pleas, or in the superior court of Cincinnati, in which a demurrer is overruled and the case proceeds to the jury and verdict is rendered against the party that demurred, the opinion of said court on such demurrer, may be examined and the final judgment reversed or affirmed by the supreme court, on a writ of error.

Final judgments may be examined and reversed, or affirmed for error, upon writ of error; SEC. 5. Final judgments in the court of common pleas, or in the superior court of Cincinnati may be examined and reversed or affirmed for alleged errors in fact, upon a writ of error, coram nobis, which shall be allowed, in all proper cases, by the president judge of the proper circuit, or by the judge of said superior court of Cincinnati.

— may be examined in supreme court, and how reversed. SEC. 6. Final judgments in the courts mentioned in the preceding section may be examined and reversed or affirmed in the supreme court on writ of error, which shall be issued as a matter of course, by the clerk of the supreme court, of the proper county, upon precipe, filed by the party desiring such writ, and bond given as hereinafter required; to which writ of

error shall be annexed and returned therewith, at a day and place therein mentioned, the original files and pleadings, together with a transcript of all judgments of the court wherein the record remains, and the assignment of error, a prayer for reversal, with a citation to the adverse party, or his attorney, signed by the clerk of the supreme court, the adverse party, having at least ten days notice. The clerk issuing such writ of error shall in all cases take good and sufficient bond and security, to the adverse party, that the plaintiff in error shall prosecute his writ to effect and pay all costs in error, if he fail to make his plea good, and no writ of error shall operate as a supersedeas to any execution issued on any final judgment of the court of common pleas, or superior court of Cincinnati, unless bond and security shall be given as required in the hundred and fourth section of the act entitled "an act to regulate the practice of the judicial courts," passed March eighth, one thousand eight hundred and thirty one.

Clerk to take bond, &c.

SEC. 7. If it shall happen in the court of common pleas that there is not a sufficient number of disinterested judges to sit on the trial of any suit or action therein pending, it shall be the duty of such court, on the application of either party, to cause such fact to be entered on the minutes of the court, and order an authenticated copy thereof, together with all the original files in such suit or action to be forthwith certified to the court of common pleas of some adjoining county, which court shall take cognizance thereof in like manner as if it had been originally commenced in that court, and shall proceed to hear and determine the same accordingly.

If judges are interested how to proceed.

SEC. 8. In all cases in the court in bank the said court shall hear oral arguments in open court; provided that the attorney or solicitor of either party shall be at liberty, if he choose, to present to said court a written or printed argument.

Oral arguments may be made in open court.

SEC. 9. The second section of the act entitled "an act to organize the judicial courts," passed February seventh, one thousand eight hundred and thirty one, except so much thereof as gives the supreme court original and appellate jurisdiction in proceedings in chancery, the ninety sixth, one hundred and third and one hundred and eighth sections of the act entitled an act to regulate the practice of the judicial courts," passed March eighth, one thousand eight hundred and thirty one, together with all acts and parts of acts inconsistent herewith are repealed; provided, that all cases which may be pending in the supreme court, or which may have been appealed, before this act shall take effect, shall be prosecuted to final judgment and execution in the same manner as if this act had not been passed.

Parts of acts therein named repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

11—G. L.

AN ACT

To provide for the State Printing.

The state printing shall be let in four several contracts. SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That from and after the first Monday in July, A. D., one thousand eight hundred and forty five, the printing for the state of Ohio shall be let out in several contracts, in the manner hereinafter specified.

Bills, &c.

SEC. 2. That the printing of all bills for the two houses of the general assembly, together with such resolutions and other matters as the two houses, or either of them, may order to be printed in the same form as bills, shall be let in one contract; the printing of the journal of the senate and house of representatives, and of such reports, communications, and other documents as enter into and make a part of the journals, shall be let in another separate contract; the printing of all reports, communications, and other documents, that may be ordered to be printed in pamphlet form by the general assembly, or either branch thereof, except such as enter into and make a part of the journals, together with the volume of public documents, shall be let in another separate contract; and the printing of the general and local laws, and such joint resolutions as may be directed by the general assembly to be printed therewith, shall be let in another separate contract.

Journals, &c.**Documents, &c.****General and local laws.****Relative to printing bills;**

SEC. 3. The bills shall be printed in folio foolscap form, on small pica type, each page to contain not less than twenty five lines of solid matter, of the usual length, with at least a pica blank in each space between the lines; and in counting the composition upon bills the same shall be measured and counted as solid matter, and every necessary fraction of a page shall be counted as a full page, but no entire blank page shall be counted or charged for.

—Journals;

SEC. 4. That the journals shall be printed in medium octavo form, on neat long primer type, and in as close and compact order as is consistent with good workmanship, without the intervention of unnecessary blanks or broken pages, each to contain, as near as may be, including head and foot lines, fifteen hundred ems.

—Documents;

SEC. 5. That the volume of public documents, and all reports, communications, and other documents, ordered to be printed in pamphlet form, shall be printed on the same kind of type, and the pages shall be of the same size as in the preceding section specified for the journals; said documents to be printed in pamphlet form, shall be printed in close, compact order, without titlepages, unnecessary blanks or open spaces. The volume of public documents shall contain nothing that shall have been inserted in the laws or journals of the same year, except the annual reports of the auditor and treasurer of state, and the various reports, communications, and

other documents, proper to be inserted therein, shall follow each other in as close compact order as may be consistent with good workmanship, without the intervention of unnecessary blanks, or separate title or half titlepages; and the paging thereof shall be consecutive, and, at the conclusion, there shall be an index, to be made out by the printer, referring to the particular page at which each separate document commences. In all cases where any document is printed in pamphlet form, by order of the general assembly or either branch thereof, by the contractor for the printing of the volume of public documents, which shall also be inserted in the volume of public documents, and in all cases where any such document is printed in pamphlet form by the contractor for the printing of the journals, which shall also be printed in the journals, but one charge shall be made for the composition thereof; but in such cases the printer shall be allowed, in addition to the contract price for composition, ten cents per one thousand ems, as a compensation for making up the matter in the proper form for the volume of public documents or the journals, as the case may be.

—to be compactly printed.

Composition to be charged but once.

SEC. 6. That the laws shall be printed in royal octavo form, on neat small pica type, the pages to be of the same form and size as those in the laws of the session of one thousand eight hundred and forty three and one thousand eight hundred and forty four, with similar marginal notes to the general laws.

Printing of laws;

SEC. 7. That in composition of all pamphlets, every necessary fraction of a page may be counted as a full page, but no entire blank page shall be charged for or counted; and in counting the composition upon the laws, journals, and volumes of public documents, the printed pages only in each volume shall be counted, including the blank page on the back of the titlepage at the commencement of each volume, and such other blanks as are unavoidable, consistently with good workmanship, throughout the volumes; and if in any branch of the printing, tabular statements shall occur, which it shall be impracticable to print on the ordinary sized pages, the same shall be printed on tabular sheets of the proper size, and the amount of composition on the same shall be ascertained by measuring the printed surface, and thereby ascertaining the number of ems; and for all rule and figure work double price for composition shall be allowed, the amount of such rule and figure work to be ascertained by strict measurement and count.

—Pamphlets.

Rule and figure work.

SEC. 8. In charging and counting the presswork, whether on bills, journals, laws, pamphlets, or the volumes of public documents, the token shall consist of one hundred and twenty five sheets, printed on both sides, or two hundred and fifty sheets, printed on one side only.

Presswork.

SEC. 9. That each contractor for any branch of the state printing shall be required to have all bills, pamphlets, documents, or volumes, by him printed, properly folded and stitch-

Folding, &c.

ed, except such volumes as are required to be bound, for which folding and stitching the auditor, treasurer, and secretary of state, or any two of them, shall make a fair allowance, on the annual settlement with each contractor for the public printing; and all such volumes as are required to be bound, shall be delivered over in the sheet, in good order for binding, by the printer to the secretary of state, or his order, who shall let out the binding thereof to the lowest bidder, on giving not less than twenty days notice in some newspaper in the city of Columbus of the time and place of such letting, said secretary of state taking bond, in such sum as he may think expedient, of the successful bidder for such binding, for the faithful performance thereof.

Binding to be let to the lowest bidder.

Secretary shall give notice for proposals for executing state printing.

When proposals to be opened.

The lowest bidder to receive the contract.

Contingencies.

Bonds.

SEC. 10. The secretary of state shall, during the first week in April, A. D., one thousand eight hundred and forty five, give notice in two newspapers printed in the city of Columbus, that sealed proposals will be received at his office, until the first Monday of June next thereafter, for the executing of the several branches of the state printing, in separate contracts, as hereinbefore specified, for the term of three years from and after the first day of July, A. D., one thousand eight hundred and forty five, which proposals shall specify the price per one thousand ems for composition, and the price per token for presswork, at which the bidder is willing to take the contract bid for; and during the first week in June, the secretary shall, in the presence of the auditor of state and treasurer of state, open all such proposals by him received, and the said secretary, auditor, and treasurer of state, or any two of them, shall, on examination of such proposals, give the contract for each of the aforesaid branches of the public printing to the lowest bidder therefor, who will comply with all the conditions in this act contained; provided that if two or more bidders shall so propose for the same contract that the proposal of one shall be the lowest for composition, and that of another lower for the presswork, then said secretary, auditor, and treasurer of state, or any two of them, shall give said contract to the person whose proposal they shall adjudge the lowest in the aggregate, taking into consideration the probable amount of composition and of presswork in that branch of the printing; provided, also, that nothing herein contained shall be construed so as to prevent the same person from becoming contractor for two or more of the separate branches of the public printing, if he should be the lowest bidder therefor.

SEC. 11. Each successful bidder for any branch of the public printing shall, within twenty days after the contract shall be adjudged to him, and after he shall have been notified thereof, enter into bonds to the state of Ohio, in the sum of five thousand dollars, with at least two sureties, to be approved by the secretary, auditor, and treasurer of state, or any two of them, conditioned for the faithful execution, pursuant to this act, of

that branch of the printing to which he has been adjudged the successful bidder, and if he shall fail so to give bond within twenty days, then the contract shall be given to the next lowest bidder, who will give bond as aforesaid.

Failure to give bond.

SEC. 12. That each contractor for any branch of the public printing shall file and preserve one copy of each document, or other matter by him printed for the state, which file he shall deposit, together with his accounts for printing for the past year, with the secretary of state, on the first Monday in July, annually, in which account shall be specifically stated the various jobs performed, the number of ems composition in each, the extra charge, if any, for rule and figure work in each; the number of tokens of presswork in each, designating whether ordered by the senate, the house, or jointly by both, or by other officers or agents of the state, together with the quantity and kind of paper used for each job, concluding with a general statement of the aggregate number of ems composition, and the charge therefor; the aggregate number of ems rule and figure work and the charge therefor; the aggregate number of tokens of presswork, and the charge therefor; and the number of reams of paper of each separate kind used on the public work; and shall print one hundred and fifty copies of said account, and deliver them to the general assembly, for the use of the members, on the first day of each session.

Contractors to preserve file of matter printed by them—to be deposited in secretary's office, with their accounts. What such accounts shall state.

Accounts to be printed and laid before the general assembly

SEC. 13. That on the filing of any account and vouchers, as aforesaid, with the secretary of state, the said secretary, auditor, and treasurer of state shall carefully examine such account, together with the printed vouchers deposited with the same, and the various orders for printing made by the general assembly, or either branch thereof, and if any errors shall be found in such account by said examining officers, they shall correct the same; and if they shall find any unnecessary blanks in any branch of the printing, or an increased number of pages, caused by unnecessary stretching out of matter, or other device of the printer, they shall deduct from the account the amount of composition and presswork charged for such unnecessary blanks, or increased number of pages, and charge the printer with the additional amount of paper consumed thereby, and deduct the same from his account. And if any error shall be committed in executing any branch of the printing aforesaid, by which the sense or meaning may be altered, said examining officers shall deduct from the printer's account the amount of compensation to which he would have been entitled for the composition and presswork of the whole sheet in which such error shall be found, and also the value of all paper consumed in the printing of the sheet containing such error.

State officers shall examine accounts, &c.

Errors and overcharges.

SEC. 14. That after any account, as aforesaid, shall have been examined by the secretary, auditor, and treasurer of state, or any two of them, as aforesaid, and all errors and

overcharges corrected, and proper deductions made therefor, pursuant to the last foregoing section, said account shall be certified to be correct by said examining officers, or any two of them; and when any account shall be so audited and certified, the auditor of state shall draw a bill upon the treasury for the amount thereof, payable out of any moneys appropriated for that purpose; provided that the auditor of state may, and is hereby authorized, at his discretion, to issue bills in advance, to any contractor for any branch of the state printing, to any amount not exceeding one third the probable amount of his account for the year.

Auditing of such accounts.

Advance payments.

Duties of contractors.

SEC. 15. That the contractor for the printing of bills shall execute promptly all orders of the general assembly, or either branch thereof, for the printing of bills, and such resolutions or other matters as may be ordered in bill form. The contractor for the printing of the journals and the volume of public documents shall respectively execute promptly all orders of the general assembly, or either branch thereof, for the printing of any documents in pamphlet or tabular form, for the use of the general assembly, or either branch thereof, the printing of which shall be embraced in their contracts respectively. The contractors for the printing of the laws, journals and volumes of public documents, shall, respectively, print such number of copies of said laws, journals, and volumes of public documents as may be directed by law or joint resolution of the general assembly, and deliver the same over to the secretary of state within forty days after the rising of each general assembly, unless further time shall be allowed by the general assembly.

Unnecessary delay.

SEC. 16. If any contractor for any branch of the public printing shall unreasonably delay the printing of any matter which, by his contract, he shall be bound to perform, the secretary of state shall employ some other person to execute the same, and charge the printer who was bound by his contract to do the same with the excess which said printing may cost over the contract price, and deduct the same from his account on settlement.

State to furnish paper.

SEC. 17. That the paper for the state printing aforesaid shall be provided by the state, and the secretary of state shall, from time to time, as the same may be needed, deliver over to each contractor suitable paper for the execution of the printing which he is by his contract required to do, and shall take and preserve a receipt from each contractor of all paper so delivered over; and, at the annual settlement with each contractor, such contractor shall deliver over to the secretary of state all paper belonging to the state which shall have come to his hands, and not been used in the state printing; and if any such paper shall have been wasted, or converted to any other use than the state printing, so that the same can not be redelivered to the secretary of state, as aforesaid, the contractor to whom the same shall have delivered, shall be charged with

the value thereof, and the same shall be deducted from his account for printing.

SEC. 18. That the secretary of state shall furnish a true and accurate copy of the laws, as they may be demanded by the printer thereof; and the clerks of the respective branches of the general assembly shall each furnish to the printer, who is bound by his contract to print the same, copies of the journals, bills, reports, and other papers and documents, without unnecessary delay, and no printer shall be accountable for any delay occasioned by the want of such copy. Secretary of State to furnish copy of laws.

SEC. 19. That the "act to create permanently the office of state printer, and to define his duties," passed March fourteenth, one thousand eight hundred and thirty seven, and all other acts and parts of acts, inconsistent with the provisions of this act, are hereby repealed. Act repealed.

SEC. 20. That this act shall take effect from and after the first Monday in July next, except such provisions thereof as require any acts to be done before that time by the secretary, auditor, and treasurer of state, in regard to advertising, receiving proposals, and making contracts for the state printing, for the year commencing on said first Monday of July next, which provisions of this act shall take effect from and after its passage. When to take effect.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

To authorize Sheriffs to administer oaths in certain cases.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever any of the courts of chancery in this state shall appoint the sheriff of the proper county special commissioner in chancery, for the purpose of selling real estate, it shall be lawful for said sheriff to swear the appraisers of such real estate.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 4, 1845.

AN ACT

To declare the rights of Banks, incorporated by governments other than the State of Ohio, to sue in the courts of this State.

Whereas, doubts have arisen whether the act passed March eighteenth, one thousand eight hundred and thirty nine, entitled "an act further to amend the act entitled an act to prohibit the issuing and circulating of unauthorized bank paper," passed January twenty seventh, one thousand eight hundred and sixteen, does not prohibit banking institutions incorporated by any government other than this state, to sue in the courts of this state—to remove such doubts—

A certain act—
how to be con-
strued.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the act first in the preamble of this act mentioned shall not be so construed in any court of this state, or elsewhere, as to prohibit any person or company of persons, incorporated by any government other than the government of this state, and doing business lawfully as a bank, at the place of the location of such bank, without any intention to infringe the laws of this state, from having power and right to institute, maintain and prosecute any action at law or suit in equity in any court in this state, in his or their corporate name, nor from enjoying and enforcing all judgments and decrees heretofore rendered, or which hereafter may be rendered in the courts of this state in like manner, and under like regulations, as nonresidents are, or may be permitted to sue in courts of this state, and enjoy and enforce the judgments and decrees thereof.

Foreign banks
held as nonresi-
dents.

Their property
—how regarded.

SEC. 2. The rights, credits, moneys and effects of such incorporations, which may be in this state, shall be subject to attachment and equity proceedings as the rights, credits, moneys and effects of nonresidents are or may be so subject.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate

March 12, 1845.

AN ACT

To amend the act entitled "An act for the preservation and repair of the National Road, and for the collection of tolls thereon," passed March 13, 1843.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the National Road be and the same is hereby divided into two divisions, to be known and designated by the eastern and western division of said road; the eastern division shall commence at the Ohio river, and terminate with the eighty seventh mile west of said river; and the western division to commence at the termination of the eastern division, and embrace the remainder of said road, which has or may hereafter be accepted of the United States by this state.

Eastern division.

Western division.

SEC. 2. The board of public works shall appoint one resident engineer for each division of said road, who shall hold his office for the term of three years, from and after such appointment, and, before entering upon the discharge of the duties of his office, shall take and subscribe an oath or affirmation to support the constitution of the United States and of this state, and faithfully and honestly discharge the duties of his office, a certified copy of which shall be filed in the office of the board of public works; and they shall each give bond, made payable to the state of Ohio, in the penal sum of not less than twenty thousand dollars, with two or more good and sufficient securities, to be approved by the governor, and conditioned for the faithful and honest discharge of the duties of his office, and that he will faithfully and honestly pay over all moneys which shall be by him received from time to time as such resident engineer, according to law, which bond shall be deposited with the treasurer of state, and each resident engineer shall be entitled to receive for his services the sum of seven hundred dollars per annum and no more.

Resident engineer.

Oath.

Bond.

Compensation.

SEC. 3. The resident engineer on each division of said road, shall, on or before the twentieth day of November, in each year, make out a detailed statement of all his transactions as such engineer, for the year ending on the fifteenth day of the same month, in which he shall state specifically the amount of all moneys by him received, the date and amount of each receipt, and the name of the person paying the same, and a statement of all money by him paid out, the date and amount of each payment, and the name of the person to whom the same was paid, and on what account the same was paid in each case; also a statement of all unpaid orders given for money due on account of said road, with the date and amount of each order, the name of the person in whose favor the same was drawn, and the person upon whom drawn, and on what account; one copy of said statement shall be immediately transmitted to the board of public works and one to the auditor of state, which shall be by them filed and carefully preserved in

Report of Engineer.

Specifications.

their respective offices, which statement shall be copied into and make a part of the annual report of the board of public works.

Rates of toll.

SEC. 4. There shall be charged and collected on said road the following rates of toll, for every ten miles travel thereon, and in the same proportion for a greater or less distance, to wit: For every cart or wagon, with tire not more than three inches in width, and drawn by one horse or other animal, ten cents; the same, drawn by two horses or other animals, twenty five cents; the same, drawn by three horses or other animals, forty cents; the same, drawn by four horses or other animals, sixty cents; the same, drawn by five horses or other animals, eighty cents; the same, drawn by six horses or other animals, one dollar; for every horse in addition, ten cents; for every cart or wagon, with tire more than three and less than five inches in width, drawn by one horse or other animal, ten cents; the same, drawn by two horses or other animals, twenty cents; the same, drawn by three horses or other animals, thirty five cents; the same, drawn by four horses or other animals, fifty cents; the same, drawn by five horses or other animals, sixty five cents; the same, drawn by six horses or other animals, eighty five cents; for every horse in addition, ten cents; for every cart or wagon, with tire five inches or more in width, and drawn by one horse or other animal, ten cents; the same, drawn by two horses or other animals, fifteen cents; the same, drawn by three horses or other animals, twenty five cents; the same, drawn by four horses or other animals, forty cents; the same, drawn by five horses or other animals, fifty five cents; the same, drawn by six horses or other animals, seventy cents; for every horse in addition, ten cents; for every gig, sulkey, buggy, or dearborn, drawn by one horse or other animal, ten cents; for every horse in addition, five cents; for every gig, sulky, buggy, carriage or dearborn, having two seats, and drawn by two horses or other animals, twenty five cents; for every horse in addition, ten cents; for every coach, with two or three seats, and drawn by two horses or other animals, thirty five cents; for every coach with three seats, and drawn by four horses or other animals, sixty cents; for every coach having four seats, and drawn by four horses or other animals, seventy five cents; for every horse in addition, ten cents; for every sleigh or sled, drawn by one horse or other animal, five cents; for every horse in addition, five cents; for every horse, mule or ass, with rider, five cents; for every horse, mule or ass, led or driven, three cents; for every score of cattle, twenty cents; for every score of hogs, ten cents; for every score of sheep, five cents; provided, however, that nothing in this act contained shall be so construed as to prohibit the compounding with persons living within ten miles of any gate, for the payment of a quarterly sum in full for toll, or from commuting with the proprie-

Quarterly tolls

tor or proprietors of any vehicle or vehicles used for the transportation of the United States mail on the National Road, as provided for in the act to which this is an amendment; provided, further, that all wagons of burden drawn by more than two horses, and carrying not more than one thousand pounds' loading, shall be entitled to a reduction of twenty five per centum on the above rates; and, provided also, that the board of public works may hereafter alter the rates of toll so as to charge and collect tolls in proportion to the amount of freight carried by wagons drawn by four or more horses or other animals.

SEC. 5. The collectors of tolls on each division of said road shall, on the first Monday of every month, or so soon thereafter as the same shall be demanded by the resident engineer on said division, or by any person by him duly authorized to receive the same, pay over all moneys in his hands belonging to the state, and take duplicate receipts for the same, one of which he shall transmit to the auditor of state, and one he shall retain, and each and every gatekeeper shall be entitled to receive for his services not exceeding two hundred dollars per annum.

SEC. 6. The resident engineer on each division of said road may, by and with the consent and advice of the board of public works, let out in contract any portion of said road, not exceeding ten miles, to any one person for any time not exceeding five years from and after such letting, for the purpose of keeping the same in repair, subject to the inspection and control of said resident engineer; said contracts to be let at public sale in that portion of said road proposed to be let, after at least thirty days notice having been given, to the lowest bidder, who shall give bond with two or more good and sufficient securities, to be approved by said resident engineer, made payable to the state of Ohio, and conditioned for the faithful and honest performance of said contracts, and that he will deliver up the same in good repair, to be determined by the resident engineer at the expiration of his said contract; provided that no portion of said road shall be sold for such term, unless the same can be kept in repair for a sum not exceeding the revenues accruing upon that portion of said road so proposed to be let; and provided, further, the same can be done without injury or prejudice to existing creditors of said road.

SEC. 7. The resident engineer on each division of said road shall, quarterly, on the fifteenth day of February, May, August, and November, or within six days thereafter, make out a true and accurate statement of all his receipts and expenditures, as such resident engineer, one copy of which he shall transmit to the auditor of state, and one copy he shall retain; and all quarterly returns and receipts, so transmitted as herein provided, shall be by the auditor reported to the general assembly. And if any gatekeeper or resident engineer employed on said road shall fail to comply with any of the

Deduction on heavy wagons-

Collectors of tolls—at what time to pay over

Receipts.

Compensation.

Repairs may be let out at contract.

Thirty days notice of the letting—bond.

Engineer's quarterly statements;—when made; to whom transmitted.

Failure of gatekeeper or engineer to comply;

—how punished.
ed.

provision of this act, or the act to which this is an amendment, he shall thereby forfeit his office or appointment and be incapable of holding any appointment on said road from and after such failure.

Toll gate No. 1;
—where located.
All other gates.

SEC. 8. The resident engineer on the eastern division of said road is hereby required to locate and establish toll gate number one, at any convenient place not more than four nor less than two miles from the Ohio river, and not more than one gate, in the aggregate, for every ten miles of said road thereafter.

Portions of the
road yet unex-
cepted of;
—how disposed
of.

SEC. 9. That portion of the National Road which has not been accepted from the United States, by this state, is hereby placed under the care and supervision of the resident engineer of the western division of said road, for the purpose of preserving the bridges, culverts, and other structures thereon, from destruction or damage; and for that purpose, the laws now in force for the preservation of the National Road are hereby extended to the said unaccepted portion of such road; provided that nothing herein contained shall be construed to authorize the expenditure of money to repair said portion of said road, or as an acceptance of the same from the United States.

Act repealed.

SEC. 10. All acts or parts of acts, inconsistent with the provisions of this act, be and the same are hereby repealed; and this act shall not be so construed as to require the board of public works to order the removal of any gate on said road before the first day of June next.

Removal of
gates.

Persons exempt
from toll.

SEC. 11. That all regular clergymen, attending their official duties, and all other persons known to the gatekeeper to be going to or returning from their regular places of worship, shall not be charged with toll.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 8, 1845.

AN ACT

To amend the act entitled "An act for the protection of Railroads," passed March 20, 1840.

Persons injuring
railroads;

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That every person who shall wilfully and maliciously throw down, break, remove, displace, cut, split, burn, or in any other manner destroy or injure any of the rails, sills, cross ties, piles, bridges, culverts, viaducts, parapets, or any other fixture, to the value of thirty five dollars or upwards, or

shall wilfully and maliciously injure or destroy any embankment of any railroad within this state, now constructed or in process of construction, or any railroad which shall hereafter be constructed or in the process of construction, to the value of thirty five dollars or upwards, shall, on conviction thereof, be punished by imprisonment in the penitentiary not exceeding three years nor less than one year. —how punished.

SEC. 2. Every person who shall wilfully and maliciously cut, break, burn, injure, or destroy, any locomotive, car, or other machinery now, or which may hereafter be, in use upon any railroad within this state, or any wood house, car house, or water station, erected for the accommodation and use of any railroad within this state, to the value of thirty five dollars or upwards, on conviction thereof, be punished by imprisonment in the penitentiary, not exceeding three years nor less than one year. Other property; —how punished.

SEC. 3. That every person who shall wilfully or maliciously commit any of the acts or offences enumerated in the two preceding sections of this act, but the injury or damage therefrom shall be of a less value than thirty five dollars, every person so offending shall, upon conviction thereof, be fined in any sum not exceeding one hundred dollars nor less than five dollars, or be imprisoned in the county jail and fed on bread and water not exceeding thirty days, or both, at the discretion of the court. Injury to a less amount than \$35; —how punished.

SEC. 4. That every person who shall wilfully and maliciously counsel, advise, and assist or abet any other person in the commission of any of the offences named in either of the preceding sections of this act, shall be deemed and taken to be guilty of a misdemeanor, and, upon conviction thereof, shall be punished in the same manner as the principal offender would, upon conviction, have been; provided that nothing in this act shall be so construed as to prevent such railroad company from sustaining a civil suit for damages, which they may sustain by either the aforesaid offences. Aiding, &c.; —how punished. Civil suits for damages.

SEC. 5. That the third section of the act to which this is an amendment be and the same is hereby repealed. Section repealed

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 6, 1845.

AN A T

To amend an act entitled "An act relating to informations in the nature of quo warranto, and regulating the mode of proceeding thereon," passed March 17, 1838, and to repeal certain laws therein specified, and for other purposes.

Corporations forfeiting their corporate rights shall be dissolved

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever it shall be found and adjudged that any corporation against which an information in the nature of quo warranto has been filed has done or omitted any act or acts which amount to a surrender or forfeiture of its corporate rights, privileges and franchises, or has forfeited the same by nonuser during a term of five years, judgment shall be rendered that such corporation be ousted and altogether excluded from such corporate rights, privileges and franchises, and that said corporation be dissolved; and when such corporation shall be found guilty of offending in any matter or manner which does not amount to a surrender or forfeiture of its incorporated rights, privileges and franchises against any of the provisions of the act or acts creating, altering, amending or renewing the same, or shall be found guilty of misusing any franchise or privilege conferred, or of exercising any franchise not conferred by law, judgment shall be entered that such corporation be ousted from the continuance of such offence, or the exercise of such power as the case may require.

Corporations misusing privileges, &c.—how dealt with.

Trustees shall be appointed to take charge of ousted corporations.

Who shall give bond.

Their powers.

Rights of individuals.

Non-negotiable evidences of debt;—how proceeded with.

SEC. 2. Upon the dissolution of any such corporation, under such proceedings, the court, pronouncing the judgment of dissolution, shall appoint a trustee or trustees of the creditors and stockholders of the corporation dissolved, who, after entering into bond to the state of Ohio, in such sum, with such securities as the court shall designate and approve, conditioned for the faithful discharge of the trust and payment over, and proper application of all money that may come into their hands, who shall have full power to settle the affairs of the corporation, collect and pay outstanding debts, and divide among the stockholders the moneys and other property that shall remain after the payment of debts and other necessary expenses, provided that nothing herein contained shall impair any rights acquired or remedies to which any person may be entitled by virtue of any laws or parts of laws hereby repealed, or to which any person by reason of any agreement now existing would thereby hereafter be entitled were such law not repealed.

SEC. 3. The bona fide assignee or assignees of any non-negotiable bond, bill, note or other evidence of debt, made payable to any corporation which has been or may be dissolved, may bring suit and prosecute the same to judgment or decree, and have execution thereon in the name of such dissolved corporation, for the use of such assignee or assignees, in the same manner as if such corporation had not been dissolved; and in all such cases the assignee or assignees, for whose use such suit is

brought, shall be liable for costs and required to give security therefor as if he or they were the legal plaintiff or plaintiffs.

Costs.

SEC. 4. The sixteenth and eighteenth sections of an act entitled "an act relating to informations in the nature of quo warranto, and regulating the mode of proceeding therein" passed March seventeen, one thousand eight hundred and thirty eight, and all except the fourteenth and last section of the act entitled "an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts and to provide for the regulation of corporations generally," passed March seven, one thousand eight hundred and forty two, and the third section of the act entitled "an act to regulate incorporated literary societies," passed March seven, one thousand eight hundred and thirty nine, be and the same are hereby repealed, and every turnpike and railroad company, which by the terms of its charter is made liable to the last above mentioned act is hereby released, from the provisions of so much of said act is hereby repealed.

Certain acts and parts of acts repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

In relation to State and County Roads.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That any county road, or part thereof, which has heretofore, or may hereafter be authorized, which shall remain unopened for public use for the space of seven years, at any one time, after the order made or authority granted for opening the same, shall be and the same is hereby vacated, and the authority granted for erecting the same barred by lapse of time; and any state road, or part of any state road, which has heretofore, or may hereafter be authorized, which shall remain unopened for public use, for the space of ten years after the passage of the act authorizing the same, shall be vacated, and the authority for opening repealed for nonuser.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

To amend the act to divide the State into Congressional Districts.

Sixth district
how altered.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That for the purpose of electing members of congress, all those portions of the territory included in the county of Wyandott, taken from the counties of Marion and Hardin, and all that part of the county of Crawford, taken from the county of Richland, are hereby attached to, and shall hereafter form part of the sixth district.

Preble and
Darke counties.

The counties of Preble and Darke shall be taken from the second district, and said counties are hereby attached to, and shall hereafter form part of the third district.

Warren and
Clinton.

The counties of Warren and Clinton shall be taken from the third district, and said counties are hereby attached to, and shall hereafter form part of the second district.

Madison.

The county of Madison shall be taken from the fourth district, and said county is hereby attached to, and shall hereafter form part of the ninth district.

Hocking.

The county of Hocking shall be taken from the eighth district, and said county is hereby attached to, and shall hereafter form part of the twelfth district.

Scioto.

The county of Scioto shall be taken from the twelfth district, and said county hereby is attached to, and shall hereafter form part of the eighth district.

Delaware.

The county of Delaware shall be taken from the eleventh district, and said county is hereby attached to, and shall hereafter form part of the tenth district.

Knox.

The county of Knox shall be taken from the tenth district, and said county hereby is attached to, and shall hereafter form part of the eleventh district.

Repealing.

SEC. 2. So much of the act "to divide the state into congressional districts," as is inconsistent with the provisions of this act, shall be and the same is hereby repealed.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 12, 1845.

AN ACT

To appoint Commissioners to examine the books, accounts, and proceedings of the Board of the Canal Fund Commissioners, and of the transfer office of Ohio stock, in New York.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That there shall be appointed, by joint resolution of the general assembly, a board of commissioners, three in number, whose duty it shall be to examine the books, accounts and vouchers of the canal fund commissioners, also to examine and inquire into the manner of making loans, and creating the funded debt of this state, and to make such examination as shall be necessary to ascertain whether any, or all of the loans have been made, and stocks of this state issued, with due regard to economy and the public interest, and whether the several officers have faithfully disbursed and accounted for all the moneys which have come into their hands.

Board.

Their duty.

SEC. 2. That said commissioners shall meet for this purpose, at the city of Columbus, on the first Monday of May, and having organized, proceed to the examination of the books and accounts of the board of canal fund commissioners, and they are hereby authorized to hold their sittings at Columbus, and at any other place or places, where they shall deem it most convenient to enable them to perform the duties required in the first section of this act.

When and where to meet, and how proceed.

SEC. 3. That said commissioners shall have the same power to compel the attendance of witnesses that any of the courts of this state possess, and they may require any sheriff or constable to serve any writ issued by them for this purpose, under the same penalties for neglect, as they are under for neglecting or refusing to serve any process, which they are by law, now, required to serve; and all writs issued by said board shall be attested and signed by the president of the board.

Powers.

SEC. 4. That said commissioners shall proceed to the city of New York, and make a full and thorough examination of the books, records, accounts and papers of the transfer office of Ohio stocks, so as to ascertain whether the business and proceedings of that office have been faithfully, properly, and honestly conducted, and whether all the present outstanding certificates of Ohio stock can be traced through a regular chain of transfers, to the original obligation, issued by the board of canal fund commissioners, and whether the names of the original purchasers of Ohio stocks are a matter of record, and the transfers therefrom regularly recorded, and whether it can be certainly ascertained that there has not been issued at the said transfer office certificates of Ohio stocks not based on an original obligation of the fund board and authorized by law.

Further duties.

Transfer office.

SEC. 5. That said commissioners are each hereby authorized to administer any and all oaths necessary in discharge of the duties required by this act.

Oaths.

Per diem allowance, &c.

SEC. 6. That said commissioners shall receive for their services the sum of three dollars per day, during the time they may be engaged in such investigation, exclusive of the time occupied in traveling, and two dollars for every twenty five miles travel, in going to and returning from such places of examination.

Shall report and at what time.

SEC. 7. That said commissioners shall report their doings in the premises to the next general assembly, within ten days after the commencement of the session.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

To amend the sixth section of an act for the support and better regulation of Common Schools, and to create permanently the office of Superintendent, passed March 7th, 1838.

Failure to elect directors;

—how provided for.

Special election.

Further contingencies.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That if it shall happen in any school district in this state that the directors thereof shall fail to give notice of the annual election, or the householders shall fail to meet on the day fixed by law for the annual election of directors, it shall be lawful for the directors within ten days next after the time provided by law for such annual election to give notice for a special meeting of the householders in the same manner that they are required by law to give notice of the annual meeting. at which special meeting the householders may proceed to elect directors and transact any and all other business which they were authorized to transact at an annual meeting under the provisions of the act to which this is an amendment, and such special meeting shall be conducted in the manner pointed out in said act; and on failure of such notice being given, or such special meeting being held, or, if held, and a board be elected who, or any of whom, shall refuse to serve, then the township superintendent shall forthwith proceed to discharge the duties required of him in such respect by the twenty third section of the act referred to in the title hereof.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

To amend an act entitled "An act to fix the times of holding the Court of Common Pleas," passed January 30, 1845.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the second terms of the court of common pleas in the counties of Geauga and Lake, in the fourteenth judicial circuit, shall be held, in the year one thousand eight hundred and forty five, as follows: In the county of Geauga on the tenth day of June, and in the county of Lake on the seventeenth day of June. Counties of Geauga and Lake.

SEC. 2. The court of common pleas, in the county of Ottawa, shall be held therein on the fifteenth day of May, and the twenty second day of October. Ottawa county.

SEC. 3. That so much of the act to which this is an amendment as conflicts with this act, be and the same is hereby repealed. Act repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 11, 1845.

AN ACT

To amend an act entitled "An act fixing the times of holding the Supreme Court," passed January 22, 1845.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the supreme court shall be held, in the year one thousand eight hundred and forty five, in the county of Franklin, on Wednesday the thirty first day of December.

SEC. 2. So much of the act entitled "an act fixing the times of holding the supreme court," passed January twenty two, one thousand eight hundred and forty five, be and the same is hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

To amend the act entitled "An act to authorize the establishment of Poorhouses," passed March 8, 1831.

Auditor may accept an order from poorhouse directors.

Treasurer may pay the same.

Law repealed.

Other laws revived.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be lawful for the auditor of a county, in which a poorhouse is situated, to receive any order or orders, given by the directors of said institution to any person or persons, for labor, provisions, medical attendance, or supplies of any kind furnished for said institution, and to give an order on the county treasurer, who shall receive the same and pay out of any money in hands, appropriated for that purpose.

SEC. 2. That the act passed March twentieth, one thousand eight hundred and forty one, entitled an act to amend "an act entitled 'an act to provide for the relief the poor,' passed March fourteenth, one thousand eight hundred and thirty one," is hereby repealed and all act or parts of acts by said last mentioned act repealed are hereby revived and re-enacted.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 12, 1845.

AN ACT

To amend the act entitled "An act for the preservation and repair of the National Road, and for the collection of tolls thereon," passed March 13, 1843, and the act amendatory thereto, passed March 8, 1845.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of public works be and they are hereby authorized to fix, change and modify the tolls upon all stagecoaches, horses drawing the same, and for passengers conveyed therein, upon the national road in Ohio, as they may deem proper; provided that no part of the tolls imposed be inconsistent with the true intent and meaning of the compact between the United States and this state in regard to said road.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 12, 1845.

AN ACT

To amend the act entitled "An act to provide for the regulation of Turnpike Companies," passed January 7, 1817.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That every turnpike company incorporated under the provisions of the act entitled "an act to provide for the regulation of turnpike companies," passed January seventh, one thousand eight hundred and seventeen, shall likewise be subject to the provisions and restrictions, and enjoy the privileges and immunities, granted by this act, except so far as may be otherwise provided in the particular act incorporating any such company.

Extending, with certain exceptions the provisions of this act to turnpikes formerly incorporated.

SEC. 2. That the commissioners named in the act incorporating any turnpike company, shall meet at such time and place as they shall think proper, and proceed to organize such company, and open books for the subscription of stock, agreeably to the second section of the act to provide for the regulation of turnpike companies, to which this is an amendment; and as soon as one hundred shares shall have been subscribed to any such company, the commissioners shall call a meeting of the stockholders in the manner prescribed in the third section of the act to which this is an amendment.

Commissioners—how to proceed. Meeting of stockholders.

SEC. 3. That the board of directors of turnpike companies, created under the provisions of this act, shall consist of not more than nine, nor less than five members, to be determined by the stockholders at any regular meeting for the election of such board.

Board of directors—their number.

SEC. 4. That the capital stock of companies, incorporated under the provisions of this act, shall be divided into shares of not less than twenty, nor more than fifty dollars each, and be paid in installments as required by the second section of the act to which this is an amendment, unless the person or persons, making such subscriptions of stock, shall, by an agreement in writing, change the time and manner of paying the same.

Capital stock; shares; installments.

SEC. 5. That whenever five continuous miles of any such road are graveled or macadamized, and otherwise completed, according to the provisions of the act to which this is an amendment, the company constructing the same may erect a gate or gates thereon, and receive from persons traveling on or using said road, the following tolls for every ten miles travel on such road, and in the same proportion for any less distance to wit:

Tollgates—rates of toll.

For every four wheeled carriage, other than pleasure carriages, drawn by two horses oxen or other animals, twenty cents; and each additional animal, five cents;

For every sled or sleigh, drawn by two horses, oxen or other animals, ten cents; and for each additional animal, five cents;

For every horse and rider, five cents;
 For every horse, mule or ass, six month old or upwards, led
 or driven, three cents;

For every head of neat cattle, six months old or upwards,
 one cent;

For every head of sheep or hogs, one half cent;

For every four wheeled pleasure carriage, drawn by two
 horses or other animals, twenty five cents; for each additional
 animal, five cents;

For every two wheeled pleasure carriage, drawn by one
 horse, or animal, ten cents;

For every four wheeled pleasure carriage, or buggy, drawn
 by one horse or other animal, fifteen cents;

For every stagecoach, drawn by four horses or other ani-
 mals, fifty cents;

For every *cart, drawn by one horse or mule, or by two
 oxen, ten cents; for every horse or ox in addition, five cents.

Parts of certain
 acts repealed.

SEC. 6. That so much of the eleventh section of the act
 to which this is an amendment, as provides that persons con-
 veying the public mails of the United States shall pass free
 from tolls, is hereby repealed.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

February 25, 1845.

AN ACT

Attaching the county of Defiance to the Sixteenth Judicial Circuit, and to fix the times of
 holding the Court of Common Pleas therein.

SEC. 1. *Be it enacted by the General Assembly of the State
 of Ohio*, That the county of Defiance is hereby attached to
 the sixteenth judicial circuit of this state; that the court of
 common pleas shall be held in the said county of Defiance on
 the twenty ninth day of May and on the fifteenth day of Oc-
 tober.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 10, 1845.

AN ACT

To amend the act pointing out the mode of levying taxes.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That when any person or persons shall commence business as a merchant, in any county after the first day of March, in any year, and the amount of his or their capital shall not have been entered on the list for taxation for such year, such person or persons shall, before he or they shall commence such business, report, under oath, to the auditor of such county, the amount of capital to be employed by such person or persons in such business, and the time, if less than one year, during which he or they propose to be so engaged, and shall pay to the county treasurer, on the certificate of such auditor, the full amount of all taxes, whether for state, county, township, city, borough, town corporate, school, or other purposes, to which such capital, if listed by merchants permanently residing and doing business as such in the same place, would be subject in proportion to the time during which such person or persons so applying to said auditor shall be so engaged in merchandising.

Merchants commencing business after March first, to report under oath to the auditor the amount of their capital;

—which shall be taxed in proportion to the time it is so employed

Sec. 2. That if any person shall commence merchandizing, as aforesaid, and shall not report to the county auditor the amount of his capital, and make payment to the county treasurer, as required in the preceding section, he shall forfeit and pay the sum of five per centum on the capital so by him employed, to be ascertained as near as may be by the testimony of witnesses, and recovered by an action of debt, in the name of the county treasurer, for the use of the county, before any justice of the peace or court having jurisdiction thereof.

Merchant failing to report; penalty therefor.

Sec. 3. That the fifth and sixth sections of the act entitled "an act pointing out the mode of levying taxes," passed March fourteenth, A. D., one thousand eighteen hundred and thirty one, be and the same is hereby repealed.

Sections repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.

DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

To tax Money Brokers.

Money brokers
to be taxed.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That every person who shall buy and sell money, or exchange one kind of money for another, for the purpose of gain or profit, shall be considered, held and adjudged to be a money broker, within the meaning of this act, and shall be charged with and pay on his business the tax hereinafter prescribed.

Brokers shall ap-
ply to a clerk of
common pleas
for license;

SEC. 2. Every person that may be engaged in business as a money broker, previously to the first Monday in May, in any year, with the intention of continuing in such business after that day, shall, annually, on that day, apply to the clerk of the court of common pleas of the county, in which it is intended to carry on such business, for a license for that purpose, which license the clerk is hereby required to issue after the applicant shall have executed and delivered to the treasurer of the county the bond hereinafter required; and every person designing to engage in business as a money broker, after the first Monday in May, in any year, shall, before commencing such business, obtain a license therefor, as in case of persons engaged in such business before said day.

—and shall enter
into bond, and
six months there-
after make a
statement under
oath.

SEC. 3. Before any person shall be entitled to receive a license, as herein before provided, such person shall, together with at least two good and sufficient securities, to be approved by the county auditor and county treasurer, enter into bond in the penal sum of five thousand dollars, made payable to the state of Ohio, and conditioned that said person shall, at the end of each succeeding six months, after the date of such bond, make out and attest on oath and deliver to the county auditor, an accurate statement of the amount of money bought and sold or exchanged during the six months next preceding the time of making such statement, and shall pay over to the treasurer of such county the full amount of the tax charged on such business agreeably to the provisions of this act, which bond shall be deposited with said county treasurer, and in case of a failure to comply with the condition of such bond, the same shall be collected by the prosecuting attorney, and paid into the county treasury, to be applied in the same manner as the tax levied by this act.

Forfeiture of
bond.

Levy.

SEC. 4. Each person engaged in business as a money broker, shall, at the time of making the statement mentioned in the preceding section, pay over to the county treasurer one eighth of one per centum on the amount of money bought and sold, or exchanged, agreeably to such statement; and the money so paid to the county treasurer shall be accounted for and paid over as money collected on the tax duplicates.

SEC. 5. Every person who shall buy any kind or description of money, with or for money of any other kind, or differing in any manner from the money bought, or sell money of any kind or description, for money of any other kind, or differing in any manner from the money sold, or exchange money of any kind or description, for money differing in any manner therefrom, for the purpose of making or obtaining profit thereby, in any county of this state, after the first Monday in May next, without having first obtained a license from the clerk of the court of common pleas of such county therefor, shall, for every such purchase, sale, or exchange, forfeit and pay the sum of one hundred dollars, to be recovered in an action of debt, in the name of the State of Ohio, before any court of competent jurisdiction; one half for the use of the person instituting suit therefor, and the other half for the use of the general revenue of the state. But the provisions of this section shall not be construed to extend to any person who shall not make the buying and selling or exchanging of money a part at least of his customary or usual business.

Broking without license.

Penalty.

The provisions of this sec. not to apply to certain persons.

SEC. 6. Wherever the word "person" is used in this act, as applicable to money brokers, it shall be construed to extend to, and include, any company, firm, or association of persons who may be engaged in the business of buying and selling, or exchanging money, in the same manner as if the words, "company," "firm" and "association" were in each case repeated in connection with the word "person." The word "money," wherever used, shall be construed to mean and include "bank notes" as well as gold and silver coin.

Construction of certain words.

SEC. 7. The provisions of any law, or laws now in force, which require the listing of the capital of money brokers for taxation, shall be and the same are hereby repealed, and all assessments for the year 1845, made prior to the passage of this act, shall be void, and the person or persons so listed and assessed shall conform to, and comply with the provisions of this act.

Acts repealed.

Previous assessments.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

To provide for laying out and establishing Free Turnpike Roads.

- Commissioners
—how governed** SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever commissioners shall be appointed by any act of the general assembly, and authorized to lay out and establish any free turnpike road, they shall be governed in all things by the provisions contained in this act, unless otherwise provided by law.
- Superintendents.** SEC. 2. That the commissioners named in any such act shall have power to appoint a superintendent or superintendents, and such other agents as they may deem necessary to carry into effect the provisions of this act; a majority of said commissioners shall be a quorum, having power to transact any business and exercise any power devolving upon, ~~at~~ intrusted to them by this act; and they shall keep a record of their proceedings, which shall, at all times, be open for inspection by any person interested or desiring to inspect the same.
- Quorum of commissioners.**
- Records.**
- Subscriptions.** SEC. 3. The commissioners shall have power to receive subscriptions and donations, in money or property, real or personal, which shall be applied to the constructing of said road; they may make contracts for constructing the same in a solid and durable manner, and keeping the same in repair; they may open and finish said road, in the first instance, along such portions of the line thereof as will soonest render the whole line thereof available for travel or transportation; and they shall have power to purchase and procure all necessary implements and fixtures to preserve said road in repair.
- Parts of road to be first finished.**
- Powers.**
- How to organize
—duties.** SEC. 4. That said commissioners shall meet within three months after their appointment, and organize by choosing one of their number president of said board; they shall then take measures to view, locate, and establish said road; and of all such locations, they shall file a copy with the auditors of the several counties through which said road may pass; provided that said commissioners, before entering upon their duties, shall severally give bond in such sum, and with such security, as the county commissioners of any county through which any such road may pass, and to whom such bond may be presented for approval, shall think proper, and shall, moreover, each take an oath faithfully and honestly to discharge the duties required of him by law.
- Bond of commissioners.**
- Oath.**
- Road taxes—labor.** SEC. 5. The taxes levied on all property, real or personal, for road purposes, within two miles of said road, on each side thereof, except such as may be by law applied specifically to any other road, or roads, shall be applied to the construction and repair thereof, and all persons owing such taxes, who may wish to discharge the same in labor, shall apply such labor under the direction of said commissioners, or their agents ap-

pointed for that purpose, at the rate of seventy five cents per day.

SEC. 6. So much of the taxes appropriated by this act as shall be paid into the county treasury shall be computed by the county auditors, and paid over, upon the certificate of the officers of said board, certifying that labor to the amount thereof has been performed on said road, under the direction of said commissioners, or their agents; and all taxes so computed by the county auditors shall be expended on said road by said commissioners in the county where collected.

Road taxes—money.

SEC. 7. It shall be the duty of the county auditors of the respective counties, through which said road may pass, in computing the amount that may have accrued within the aforesaid limits, on each side of said road, to embrace the whole of any tract of land, not exceeding eighty acres, of which at least one half shall be within said limits, and of every tract of land, containing more than eighty acres, no more than the quantity lying within said limits; and for all duties performed by him under this act, he shall be allowed the same fees as are allowed by law for similar services in other cases, to be audited by the county commissioners, and paid out of the fund collected by the provisions of this act.

What lands shall be included.

Auditor's fees.

SEC. 8. The commissioners shall have power to receive donations of land to aid in the construction of said road, and to sell and convey the same in fee simple; and they may take releases of the right of way.

Donations.

SEC. 9. The said commissioners and their successors shall be a corporation by the name and style named in the act appointing the same for the purpose of carrying into effect the provisions of this act, and it shall be their duty to prosecute for all obstructions to said road, or for injuries done to the same, or the bridges thereon; and the form of such prosecutions shall be in the action of debt, and the amount recoverable in each case shall be the amount of damages actually found by the court or jury, with ten per centum thereon; and in all cases the said commissioners shall have a right to sue, either before a justice of the peace, or in a court of common pleas of the proper county, which suit shall be appealable as in other cases; and the amount so collected in each case shall be for the benefit of said road, and shall be paid over to said commissioners.

Commissioners shall be a corporation.

Prosecutions—damages.

SEC. 10. The said commissioners shall, annually, in the month of February, make a full statement of their receipts and expenditures under this act, and deposit a copy thereof in the auditor's office of the several counties through which said road may pass.

Commissioners shall make annual statements.

SEC. 11. The supervisor of any road district through which said road may pass shall be and hereby is authorized to appropriate any portion of the two days labor within his district, which he may deem expedient, to the construction, preservation and repair of said road; and the same shall be applied

Supervisors—certain powers.

under the direction of said commissioners or their agent or agents.

Per diem of commissioners.

SEC. 12. The commissioners of said road shall be allowed their reasonable expenses, not exceeding seventy five cents per day, for every day necessary to be employed on the business of said road, and no more; and when any vacancy shall happen in said board by death, resignation, or otherwise, the commissioners of the county in which such vacancy may occur, on being notified thereof, shall fill the same as often as the same may occur.

Vacancies.

Expenses—how paid.

SEC. 13. The expenses of surveying and location, and other expenses incidental to the construction, preservation, superintendence and repair of said road, shall be paid out of the funds appropriated by this act to the construction, preservation and repair of the same, and the sum paid to any person for services as superintendent or surveyor on said road shall not exceed one dollar per day for every day he shall actually be engaged on the business of said road.

Claims for damages—how settled.

SEC. 14. All claims for damages arising out of the location of said road shall be settled in the manner prescribed by the act for the opening and regulating roads and highways.

Limitation of time.

SEC. 15. That the provisions of this act shall not be applicable to any particular road for a longer period than ten years from the passage of the law authorizing the same, unless the same shall be continued in force by some future act of the general assembly.

County commissioners may remove road commissioners.

SEC. 16. That the county commissioners of any county through which any free turnpike road may pass, granted by any former or subsequent general assembly, shall have power to remove any road commissioner when the public good may require it, and fill such vacancy as in case of his death or resignation. All parts of acts conflicting with this section are hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

To provide more effectually for a correct and equal assessment of Money and of Capital in trade, for the purpose of Taxation.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be the duty of each assessor in this state, annually, at the time of taking the list of taxable property in his township, town, city or ward, to require of each person, company or firm subject to taxation therein, to make out and deliver to him a statement, in writing, of the amount of money which such person, company or firm has at interest, and such assessor shall also require of every person, company or firm, engaged in mercantile business or trade, to make out and deliver to him a similar statement of the amount of capital employed in such trade; such requisition may be made by the assessor, either verbally, or by written or printed notice left at the dwelling house, office, or usual place of doing business, of the person, company or firm required to make such statement.

Assessors may require of persons, firms, &c., written statements, &c.;

SEC. 2. Each person who is sole owner of the money, credits or capital, of which a statement is required by the preceding section, and some member, or the principal clerks of each company or firm owning such money, credits or capital, shall, within fifteen days, after being so required by the assessor, make out and deliver to such assessor the statement or statements required by the preceding section in writing, and shall, make solemn oath or affirmation, that the statement so made is full and true, according to the best of his knowledge and belief, which oath or affirmation the assessor is hereby authorized to administer, and which shall be indorsed on each statement; provided that no person, company or firm shall be required to make out such statement of money at interest or capital in trade, if the amount in either case shall not exceed one hundred dollars.

— which shall be attested on oath.

Proviso—small amounts.

SEC. 3. That all moneys and credits, due and owing, whether on judgment, decree, bond, note, bill of exchange, draft, receipt, order, contract or agreement, whether payable on demand or at any specified time, past, present or future, or whether no time of payment be specified therein, whether containing an agreement to pay interest or not, provided interest, premium or any consideration whatever, for the use thereof, has been reserved, taken, contracted for or agreed upon, or is payable by the terms of the note, contract or agreement, whether written or verbal; and all debts or credits due, or owing upon notes of hand, bills of exchange, contracts, agreements, or other written or printed evidence of debt, acquired, bought or purchased at any rate of discount, before, at or after maturity, whether the same shall by the terms thereof bear interest or not, shall be considered and adjudged to be moneys at interest, and belonging to the person, company, or

Money at interest.

Discounted evidences of debt;

—how esteemed.

firm, owning or having the beneficial interest therein, and shall be included as such, in the statement of moneys at interest, required by the first section of this act.

What persons shall be deemed engaged in mercantile business.

Exceptions—dealers in cattle, horses, &c.

Merchants, &c.,—how governed in making statement.

Mediums to be taken.

Contingencies—change of investments.

Bankers and brokers.

SEC. 4. Every individual, company or firm that shall be engaged in the business of purchasing and selling personal property of any kind or description, for the purpose of making profit thereby, or that shall purchase personal property of any description, other than domestic animals, with the view to increase the value thereof, by any process of manufacturing, refining or otherwise improving the value thereof, for the purpose of selling the same at an increased price, shall be considered and held to be engaged in mercantile business or trade, within the meaning of this act; provided, that horses, cattle or any other property, which, by the existing laws of the state, are required to be listed for taxation, and which shall have been so listed shall not be considered as forming any part of the capital in trade of the person in whose name it shall have been so listed, or of any trader who may have purchased such cattle, horses or other property, for the year for which the same shall have been so listed.

SEC. 5. Every individual, company or firm, engaged in mercantile business or trade, in making out the statement required by the first section of this act, of the amount of capital employed, shall take, as the criterion of such amount, the medium sum between the greatest and smallest amount of goods, or other articles of personal property appertaining to such business, in the possession of such person, company or firm, during the year previous to the time of making such statement; or, if such person, company or firm, have been engaged in such business for a less time than one year, then the medium amount during the time of being so engaged, and, in like manner, the amount of money at interest, of any person, company or firm, to be contained in the statement required by the first section of this act, shall be, as near as the same can be ascertained, the medium sum or amount between the greatest and the smallest amount of money at interest, for the year next preceding the time of making out such statement; provided that if any person or member of any company or firm, required to make a statement of money at interest, or capital in trade, has withdrawn, or shall intend to withdraw the whole or any part of such capital in trade, or invest the same in property subject to taxation, otherwise than is provided by this act, or any part of the money at interest for the year previous, so as to reduce the amount of capital or money at interest, as the case may be, below the medium amount for the year previous, and shall attest to the same on oath or affirmation, the amount to be entered on the list by such person or firm, may be reduced accordingly; provided, further, that the provisions of this act shall apply to every unincorporated bank or banker, broker or brokers, or other person loaning or having money at interest.

SEC. 6. Moneys due on bona fide sales, or leases of land or real estate situate within this state, entered on the grand list for taxation, in cases where such sale or lease is in nowise connected with, or growing out of, a loan or advance of money, and moneys due on notes, checks, drafts, or other evidences of debt, for personal property actually sold in the ordinary course of business, and payable within six months from the date of the sale of such property, provided such sale of property shall have been in nowise connected with any loan or advance of money, nor made for the purpose of evading the payment of any tax, shall not be considered moneys at interest, within the meaning of this act.

Moneys due, &c.
in certain cases,
not to be taxed.

SEC. 7. In making out the statements of moneys at interest, required by the first section of this act, the person, company or firm of whom it is required, shall be entitled to deduct from the gross amount of moneys owing to such person, company or firm—

Other matters to
be deducted.

First: The amount of debts owing by such person, company or firm, bearing interest, to any person, company, firm or corporation, other than obligations given for the purpose of effecting insurances;

Second: Moneys owing to any person or persons out of this state, for the purchase of land within this state which is listed for taxation;

Third: Moneys due from persons believed to be insolvent, and which moneys are not otherwise adequately secured, may be omitted, in making such statement, to the amount believed not to be collectable.

SEC. 8. If any person, company or firm, shall refuse or neglect to make any statement, required of him or them by the provisions of this act, or shall refuse to verify the same by oath or affirmation as hereinbefore required, the assessor shall proceed to make out, from the best evidence in his power to obtain, a statement of the amount of money at interest, or capital in trade, of the person, company or firm that may have so refused or neglected to make such statement.

Neglect of mak-
ing statement—
how provided
for.

SEC. 9. Each assessor shall, at the time he is required to make return to the county auditor of other property assessed or listed by him, make return of the statements of money at interest and capital in trade, obtained or made out by him as required by this act; and the county auditor shall deduct from the amount of money at interest and capital in trade, as stated and verified by the owners thereof, fifty per centum, and the remaining fifty per centum he shall enter upon the grand list for taxation, as other property; but from the amounts stated and returned by the assessor, in cases where the owner or owners shall have refused or neglected to make the statement required by this act, the auditor shall make no deduction, but shall enter the whole amount on the grand list for taxation.

Assessors—aud-
itors.

SEC. 10. It is hereby declared to be the true intent and meaning of the first section of the act entitled "an act pointing

Meaning of act
of March 14,
1831.

out the mode of levying taxes," passed March fourteen, one thousand eight hundred and thirty one, that so much of said section as makes pleasure carriages subject to taxation, includes carriages, barouches, buggies, dearborns, and all other carriages or wagons intended for the transportation of persons, or as family or pleasure carriages or buggies, provided that no such vehicle shall be listed for taxation if the same shall be of less value than forty dollars.

Regulation
when lists have
been taken.

SEC. 11. In every county where the assessors shall have taken the list of taxable property before the first Monday in April of the present year, the assessors shall proceed to obtain the statements, and perform the duties required of them by this act, between that day and the first Monday in June next, and make return thereof to the county auditor, on or before the last named day, and for each year after the present year, they shall perform the duties required of them by this act, at the same time they are required to assess other property in their respective townships.

How tax to be
levied upon stage
coaches, &c.

SEC. 12. Each assessor in whose township, city, or ward, any stage owner shall reside, or in whose township, city, or ward, any stagecompany shall keep or have its principal office, or place of keeping its accounts, shall, at the same time he is required to demand statements of money at interest, and of capital in trade, also demand of every such owner, or in case of a company, of some member of such company, a written statement of the value of all the stagecoaches and other vehicles within this state in which passengers are conveyed, and of all the horses and harnesses within this state, belonging to such stage owner, or stagecompany, as the case may be, and every such stage owner, or member of any stagecompany, of whom such statements shall have been demanded, shall, within twenty days after such demand, make out, attest on oath or affirmation, before a justice of the peace, and deliver to such assessor, the statement herein before required, which shall set forth the true cash value according to the best judgment and belief of the person making and attesting the same; and if any such stage owner, or member of a stagecompany, shall neglect or refuse to make out and attest a statement as herein before required, every such person shall forfeit and pay the sum of one hundred dollars, which shall be recovered in an action of debt, before any court of competent jurisdiction, in the name and for the use of the state; and in every such case of refusal, the assessor shall proceed to make out from the best evidence he may be able to obtain, a statement of the value of the property above specified belonging to the person or company so refusing, and for that purpose such assessor may summon before any justice of the peace, every such stage owner, or any member of any stagecompany, and any clerk or agent of such owner or company, and examine every such person so summoned on oath, touching the amount and value of such property; and every person so summoned, who

shall fail to attend, or who shall refuse to answer on oath or affirmation any question which may be put to him by such assessor or by his order, shall forfeit and pay the sum of one hundred dollars, to be recovered and applied as above in this section provided; and every such statement shall be returned to the county auditor as in case of other statements referred to by this act, and the amount thereof shall be entered on the tax duplicate in a separate column, and the auditor shall assess thereon a tax of three fourths of one per centum, which shall be applied solely to state and canal purposes; and any tax otherwise charged on the coaches and other vehicles, horses and harnesses of any stage owner or company, that shall make out and attest on oath the statement in this section required, shall be remitted, on producing to the county treasurer on whose duplicate such tax is charged, a certificate from the assessor to whom such statement was delivered, setting forth such fact, which certificate such assessor is hereby authorized and required to make and deliver to such owner or company, his or their agent, on demand.

SEC. 13. That all furniture of every description used for fitting up and furnishing the lodging rooms, parlors, and other rooms of all public boarding houses, taverns, and hotels, for the entertainment of boarders, travelers, or other guests, shall be considered as capital in trade, and in all respects listed and taxed as mercantile capital is, by the provisions of this act, listed and taxed, provided that all kitchen and dining room furniture of any such boarding house, tavern, or hotel, and all furniture of rooms necessary for, and ordinarily used by, the family of the owner or keeper of such house, tavern, or hotel, shall be exempt from taxation.

Furniture of
public houses.

SEC. 14. The auditor of state shall, as soon as practicable after the passage of this act, make out and transmit to the several county auditors in this state forms of statements and oaths required by the first and second sections of this act, and all necessary instructions for carrying the same into uniform effect throughout the state; and the several county auditors shall, as soon thereafter as practicable, procure and deliver to the several assessors in their respective counties, the necessary certificates of moneys at interest, and of capital employed in trade required by this act, in blank, with the proper certificates of the oath required thereon, in blank, with a copy of the instructions transmitted to him by the auditor of state, as herein before required.

Duty of auditor.

SEC. 15. The provisions of all laws now in force conflicting with the provisions of this act, or which are superseded thereby, shall be and the same are hereby repealed.

Repealing act.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 13, 1845.

15—B. L.

AN ACT

To amend an act entitled "An act to amend the act to regulate the practice of the Judicial Courts," passed March 8, 1831.

- Process, &c., may be amended during suit;** **SEC. 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the court in which any action shall be pending, shall have power to allow parties to amend any process, pleading, or proceeding, in such action, either in form or substance for the furtherance of justice, and upon such terms as shall be just, at any time, before or during the trial of such action, and before judgment rendered therein; provided that if such amendment be made to any pleading, in matter of substance as the court may in their discretion allow, the adverse party shall have time, according to the course and practice of the court, to answer the amended pleading so as not to be prejudiced in conducting his action, prosecution or defence; provided, further, that process by which any action shall have been commenced, and on which any person shall have been arrested, shall not be amended in the return day thereof.
- But the adverse party may have time to answer.**
- Further proviso.**
- Actions of tort shall not abate by death of plaintiff.** **SEC. 2.** That no action of trespass on the case or other action, founded on a tort now pending or which may be hereafter commenced, shall hereafter abate by the death of any plaintiff in any such action, and in case of the death hereafter occurring of any plaintiff in any such action, the administrator, executor or other legal representatives of such deceased plaintiff shall be substituted in the proceedings, and such action may be conducted to trial, judgment and execution, for the benefit of the estate of such decedent in all other respects as if he were still living.
- Feme sole being plaintiff—her marriage, &c.** **SEC. 3.** No action now pending, or which may hereafter be commenced in the name of a feme sole, shall abate in consequence of the marriage of such feme sole; and in case of the marriage of any such feme sole pending an action in her name, by making a suggestion of such marriage in court, and the insertion of the name of the husband in the proceedings, such suit may be conducted to trial, judgment and execution, in all other respects as if no such marriage had occurred.
- Misnomer;** **SEC. 4.** No plea in abatement for a misnomer shall be allowed in any personal action, but in all cases in which a misnomer would, but for this act, have been by law pleadable in abatement in such actions, the defendant shall be at liberty to cause the declaration to be amended at the costs of the plaintiff, by inserting the right name upon notice to the opposite party, issued by the clerk of the court, founded on an affidavit of the right name, and in case such application shall be discharged, the costs of the same shall be paid by the party applying, if the clerk shall think fit.
- In case of, declaration may be amended.**
- Costs.**
- Initials and contractions.** **SEC. 5.** In all actions upon bills of exchange or promissory notes or other written instruments where any of the parties

thereto are designated by the initial letter or letters, or some contraction of the christian or first name or names, it shall be sufficient in every affidavit to hold to bail, and in the process or declaration, to designate such person by the same initial letter or letters or contraction of the christian or first name or names, instead of stating the christian, or first name or names in full.

SEC. 6. And, whereas, it is expedient to lessen the expense of the proof of written or printed documents and laws or copies thereof on the trial of causes, be it further enacted that it shall and may be lawful for the judges of the supreme court in bank to make regulations by general rules or orders from time to time touching the voluntary admission, upon an application for that purpose, at a reasonable time before the trial, of one party to the other, of all such written or printed documents, or laws or copies of documents as are intended to be offered in evidence on the said trial by the party requiring such admission, and touching the inspection thereof before such admission is made, and touching the costs that may be incurred by the proof of such documents or laws or copies in the trial of the cause in case of the omitting to apply for such admission or the not producing such documents, laws or copies for the purpose of obtaining admission therefor, or of the refusal to make such admission as the case may be, and as to the said court in bank shall seem meet, and all such rules and orders shall be binding and obligatory in all courts of the supreme court, and common pleas.

Court in Bank may establish rules for the voluntary admission of documents as evidence, &c.

SEC. 7. Whenever it shall become necessary for the attainment of justice, the court may allow a plaintiff to reply several matters to a plea of a defendant, and allow a defendant to rejoin several matters to a replication of the plaintiff.

Replication and rejoinder.

SEC. 8. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

Acts repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

To provide for registering the names of electors and to prevent frauds at elections.

Township assessors, collectors, &c., of certain townships, counties, and cities shall enroll voters.

One list for each election district.

Cincinnati.

Return of lists.

Judges in certain election districts shall constitute boards of registry.

When to meet, and how proceed.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That before the tenth day of September in each year, the city collectors for the city of Cincinnati, and the assessors of the township of Steubenville, in the county of Jefferson, the township of Wayne, in the county of Scioto, the assessors of the several townships of the counties of Cuyahoga, Montgomery and Pickaway, together with the assessors of such other townships of this State as are divided into two or more election districts, shall make full and accurate alphabetical lists of the names of all the qualified electors and such as may become qualified electors on or before the second Tuesday of the then next October, residing in their respective townships; and in making such lists the names of those residing in the several election districts shall be placed upon separate lists, and upon such separate lists the names of those residents who are not at the time their names are entered qualified voters, but who may become qualified on or before the second Tuesday of October, then next, shall be entered in a separate column from the names of such as at the times of entering their names are qualified, and in taking such lists the city collectors of the city of Cincinnati shall make such arrangement as to which of such collectors shall make the required lists of the residents in the several election districts of said city as they may deem expedient, provided, that they shall in no case divide an election district; and the said collectors and assessors at or before nine o'clock, A. M., of the Tuesday four weeks before the second Tuesday of October, in each year, shall return such separate lists for such election districts to the judges of the respective election districts, or some one of such judges in each district, with the affidavits of the officers taking the same, attached thereto, stating that the same have been honestly and faithfully taken by them.

SEC. 2. The judges of elections in the several election districts in such townships in this state as are divided into two or more election districts, and the judges of elections of the several townships in the county of Pickaway, and the counties of Cuyahoga, Montgomery, the county of Summit, and the county of Portage, and of the township of Steubenville, in the county of Jefferson, and the township of Wayne, in the county of Scioto, shall constitute boards of registry for their respective election districts, any two of which judges shall constitute a quorum to do business, and such boards shall meet at the places of holding elections, in their respective election districts, on Tuesday, four weeks before the second Tuesday of October, in each year, at nine o'clock, A. M., on said day, and such boards of registry shall then

and there proceed to make out for their respective election districts, from the lists made out by the collectors and assessors, the poll books of preceding elections, and such knowledge or information as they may have or obtain, full and accurate alphabetical lists of the names of all the qualified voters residing in their respective election districts, and separate lists of the names of all persons residing in their respective election districts who may become voters on or before the second Tuesday of October then next; and any person having a legal right to challenge votes in any such election district, may attend at such meeting of the board of registry in his district and notify the board of his intention to challenge the vote of any person whose name may be on such list, and the board of registry shall enter against such name the word "challenge" and such boards of registry shall cause a copy of the lists by them made to be posted up at the places of holding elections, in their several election districts, within two days from the day of their meeting as aforesaid, and if the same shall be torn down in any election district before the second Tuesday of October, then next, the board of such election district shall cause the same to be supplied by another copy; and said board shall also give notice to the electors in their respective districts that they will hold their meeting in conformity with the third section of this act on the Monday next preceding the second Tuesday of October thereafter, for the purpose of correcting the list of electors for their district, and that the said electors may then and there appear and have their names registered if they shall have been omitted; and in every incorporated town, village or borough that constitutes a separate election district and which is composed of portions of two or more townships, it shall be the duty of the marshal of said corporation to make the list of qualified voters in the same manner as is required by township assessors by this act.

Notice of challenge.

Copy of list to be posted up.

Board shall give notice—their second meeting.

SEC. 3. On the Monday next preceding the second Tuesday of October in each year, such boards of registry shall meet at the usual places of holding elections in their respective election districts at nine o'clock, A. M., on said day, and on the said second Tuesday of October, at the place of election, for at least one hour, and until nine o'clock in the morning, before the polls are opened, and proceed to review and correct their several lists by crossing the names of persons on such lists as are not qualified to vote in their respective districts, and adding the names of such as are qualified, or may become so in time to vote the then next day, and have been omitted; but no name shall be so crossed as to be rendered illegible.

When held.

They shall correct their lists;

SEC. 4. The judges of elections in such election districts shall carefully preserve the lists taken by collectors and assessors for their respective districts, and the lists as made out and corrected by themselves, and have the same, with the poll books of the elections of the preceding year, including that of

—which shall be preserved.

Who shall vote. the annual election of the preceding October, at the election on the second Tuesday of October in each year; and no person shall be allowed to vote at such election, unless his name is found on one of the lists or one of the poll books present, or it is shown by testimony on oath that his name has been omitted by fraud, accident or mistake, and the fact of the name of a person being on any of such lists and poll books or all of them shall not be conclusive evidence of his right to vote at such election; provided, that if any person shall present to the judges of election in any such election district where he then actually resides, a certificate signed by not less than two of the judges of election in another election district of the same county, stating that the name of such person is entered upon the list of electors in their election district, that his name is crossed on such list, and that he has not voted in their election district, and such person, if qualified in other respects, may be permitted to vote in the election district in which he actually resides at the time of offering his vote.

Penalties for neglect of duty. SEC. 5. That any assessor or collector who shall neglect to make return of the names as is required by this act shall forfeit and pay, for the use of schools in his township, the sum of one hundred dollars, to be recovered by action of debt, in the name of the trustees of such township; and every assessor or collector who shall wilfully make any false return in respect to any part of such list shall forfeit and pay, in the same manner, and for the same purpose, not less than twenty dollars, nor more than one hundred dollars for every name in respect to which he shall have made a false return.

Board may administer oaths. SEC. 6. Boards of registry, at their meetings, as required in the second and third sections of this act, shall have power to examine witnesses on oath or affirmation touching any fact connected with their duties as such board of registry; and the members of such boards shall each have power to administer all oaths and affirmations which may be required in the discharge of their duties.

False swearing. SEC. 7. Any person swearing or affirming falsely in any matter under this act shall be deemed guilty of perjury, and shall be punished accordingly.

Naturalized citizens; SEC. 8. The naturalization of a person shall be proved by the production of the certificate of naturalization, under the seal of the court granting the same, and if there still be doubt, one question shall be put and answered under oath, in addition to those required by the general law, to wit: "are you the identical person specified in the certificate which you present?" and such other questions as the board shall direct shall also be put and answered on oath; provided in case it shall appear that such naturalized person has lost such certificate by some accident and against his will, the board of registry shall register such person if they are satisfied that he is a citizen according to the provisions of the act entitled "an act to preserve the

—accidental loss
of certificates—
how provided
for.

purity of elections," passed March twentieth, one thousand eight hundred and forty one.

SEC. 9. Any person who shall cause his name to be registered for the same election in more than one election district or in any way more than once for one and the same election, unless his name shall have been previously crossed from any and all such other lists as may within his knowledge contain the same, in the manner provided in the fourth section of this act, or who shall cause his name to be registered knowing he is not a qualified voter in the district where the said registry is made, or, being so registered, shall vote or offer to vote in more than one election district at any one election, and any person causing, aiding or abetting any person to be registered in more than one election district for the same election, or in any election district where the person so registered is not a qualified and legal voter, shall be deemed guilty of a misdemeanor, and shall be punished for each and every offence by a fine not less than fifty dollars, nor exceeding five hundred dollars, or by imprisonment in the penitentiary for a term not less than three months nor more than two years, or both, at the discretion of the court.

Frauds—how punished.

SEC. 10. In deciding on the qualifications of voters, the board shall be governed by the general laws now in force on that subject and by this act.

Judges—how governed.

SEC. 11. If it shall ever so happen, because of death, resignation, absence or any other cause, that there shall not be at least two judges of elections in any district to perform the duties required by this act, then one or more persons, as the case may require, shall be chosen to act as a member or members of such board of registry, at the several times and places of meeting of such board required by this act, and the person or persons so chosen shall have the same qualifications, and be chosen by the bystanders, in the same manner that judges of elections are chosen in the absence of a township trustee.

Vacancies in the board—how filled.

SEC. 12. That the city collectors, township assessors, of districts where the annual collections or assessments which they are required to make shall be made prior to the passage of this act, shall proceed immediately to make the lists required by this act, and they shall receive such reasonable compensation therefor as the city council of the city of Cincinnati, in the case of collectors, and the township trustees, in the case of assessors, shall think proper, and in all other cases hereafter such assessors and collectors shall make the lists of residents required by this act at the time of making the annual collections or assessments in their respective districts.

Compensation, &c.

SEC. 13. That any person who shall willfully tear down, deface or alter any list posted up, as required by the provisions of the second section of this act, during the time for which such lists are required by this act to be posted, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, before any

Tearing or defacing a list of voters—how punished.

court of competent jurisdiction, shall be fined in any sum not less than twenty, nor more than one hundred dollars, or be sentenced to confinement, and confined in the cell of the dungeon, in the jail of the proper county, and fed on bread and water for not less than five nor more than fifteen days, or both, at the discretion of the court.

Acts repealed.

SEC. 14. All acts and parts of acts inconsistent with this act be and the same are hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 13, 1845.

AN ACT

To amend the act entitled "An act fixing the time of holding Courts in the Sixteenth Circuit.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the second term of the court of common pleas, in the county of Paulding, for the year one thousand eight hundred and forty five, be holden on the tenth day of October. All parts of acts conflicting with this act be and the same are hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 11, 1845.

AN ACT

To amend the act entitled "An act to regulate the taxation and collection of costs," passed March 9, 1835.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That every justice of the peace shall have the same power and authority to issue execution for costs, in the same manner and instances that the clerks of common pleas are authorized to issue such executions by the fourth section of the above recited act, for the collection of costs as therein provided.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

To prohibit unauthorized Banking, and the circulation of unauthorized Bank paper.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That no body politic or corporate shall establish a bank, or engage in the business of banking, to receive on deposit, keep and circulate the money or bank paper of others, without express authority of a law of this state.

Unauthorized banking prohibited.

SEC. 2. Every person who shall subscribe to become a member of, or become in any way interested in, any such body corporate or politic, with a view to establishing such bank, or engaging in the business of banking, or shall in any way aid or assist such body corporate or politic to establish a bank, or carry on the business of banking, contrary to the provisions of the first section of this act, shall forfeit and pay the sum of one thousand dollars for every offence.

Engaging in such banking;

—Penalty therefor.

SEC. 3. No person, association of persons, body politic or corporate, shall make and put in circulation, or make and attempt to put in circulation, as money or currency, any note, bill, or other evidence of debt, without express authority of a law of this state.

Making and circulating unauthorized paper, prohibited.

SEC. 4. Every person who shall violate the provisions of the third section of this act, or in any way aid or assist any association of persons, body politic or corporate, to make or put in circulation any note, bill, or other evidence of debt, contrary to the provisions of the third section of this act, shall forfeit and pay one thousand dollars for every such offence; and any corporation, not a municipal corporation, which shall offend against the third section of this act, shall forfeit its charter.

Violation of third section;

—And penalties therefor.

SEC. 5. No person shall open or keep an office or agency for the purpose of redeeming the notes, bills, or other evidence of debt, which have been issued for circulation as money or currency, without express authority of a law of this state, under the penalty of five hundred dollars for every such offence; and every day such office or agency is kept for such purpose, shall be considered a distinct and separate offence.

Offices or agencies.

Penalties.

SEC. 6. No person shall put in circulation, pass, or attempt to circulate or pass as money or currency, any note, bill, or other evidence of debt, made or issued without authority of law, knowing the same to have been made or issued without authority of law; and no person shall make or put in circulation, pass, or attempt to circulate or pass, as money or currency, any note, bill, or other evidence of debt, which is not made payable in the lawful money of the United States, or which is for a less sum than one dollar, under a penalty of fifty dollars for every such offence.

Passing unauthorized notes, &c.;

—Penalty therefor.

SEC. 7. That all penalties imposed by this act shall be recovered by action of debt, in the name of the state of Ohio, before any court of competent jurisdiction, or by indictment; and all penalties incurred under this act, when collected, shall

Penalties, how recovered; how disposed of.

be paid to the treasurer of the county in which the judgment is recovered for the same, for the use of the state of Ohio.

Altered bills
shall be redeemed.

SEC. 8. Every bank in this state shall be liable to pay to any bona fide holder the original amount of any bill of such bank, which shall have been altered to a larger amount in the course of its circulation, notwithstanding such alteration.

Suits commenced
under certain
laws;

SEC. 9. All suits heretofore commenced, and now pending, under the provisions of the act entitled "an act to prohibit the issuing and circulating of unauthorized bank paper," passed January twenty seven, A. D., one thousand eight hundred and sixteen, and the several acts amendatory thereto, and the act entitled "an act to prohibit the establishment, within this state, of any branch, office or agency of the Bank of the United States of Pennsylvania, or any other corporation, incorporated by the laws of any other state, or by the laws of the United States, and for other purposes," passed January nine, A. D., one thousand eight hundred and thirty nine, and the act entitled "an act providing for the appointment of a board of bank commissioners, and for the regulation of banks within the state of Ohio," passed February twenty five, one thousand eight hundred and thirty nine, and the several acts amendatory and supplementary thereto, and the act entitled "an act to punish crimes therein named, and the prevention of a fraudulent currency," passed March seven, A. D., one thousand eight hundred and forty two, whether judgment has been obtained or not, or decrees rendered, shall, in all respects, be proceeded with in the same manner as though such suits had been originally commenced under the provisions of this act; and the acts above recited and referred to in this section, except the eleventh, twelfth, thirteenth and fourteenth sections of the act entitled

—How proceeded
with.

Acts repealed,
except, &c.

"an act to prohibit the issuing and circulation of unauthorized bank paper," aforesaid, are hereby repealed: provided that each banking company in this state, existing at the time of the passage of the act entitled "an act to incorporate the State Bank of Ohio, and other banking companies," passed February twenty four, one thousand eight hundred and forty five, shall be examined as often as once in each year, by a person to be appointed by the auditor, treasurer and secretary of state, or any two of them, in the same manner as is provided for by the forty fourth section of the last recited act; and when such person is appointed, he shall perform the same duties, and receive the same compensation as is provided by said act; and each of said companies shall make out a statement in the same manner, and forward the same to the auditor, at the times required by the fifty ninth section of the last named act; and the laws hereby repealed shall remain in force, as to all banks now in process of liquidation under them, until the concerns of such banks shall be finally closed up; provided, further, that this act shall not affect any special act for the relief of any institution or company which has exercised or assumed any banking powers, or for the relief, or for the creditors thereof.

Proviso relating
to banks existing
before Feb. 24,
1845; which
shall be examined
once a year.
&c.

Further proviso.

SEC. 10. That nothing in this act shall be so construed as Small notes.
to restore to any existing bank a right to issue and circulate
the notes of such bank, of a less denomination than five dollars.

SEC. 11. This act shall take effect from and after the first When to take effect.
day of June next; provided that the first section of this act
shall not take effect before the first day of March, one thousand
eight hundred and forty six, upon any existing corporation now
engaged in the business prohibited by that section, and which Discrimination.
has duly reported, and shall continue to report, its dividends
and profits to the auditor of state for taxation.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

To amend an act entitled "An act prescribing the duties of County Auditors," passed March
23, 1840.

SEC. 1. *Be it enacted by the General Assembly of the State* County commis-
of Ohio, That whenever any auditor, treasurer or recorder of sioners may au-
any county in this state, except the county of Hamilton, shall thorize county
be unable to perform all the duties of his office without aid or officers to em-
assistance, he may certify the same to the county commission- ploy clerks;
ers, who shall inquire into the facts, and if, in their opinion, it
shall be necessary to employ an assistant to either or any of
said officers, they shall permit and authorize such officer to
employ one or more clerks or assistants, during such time as
may be necessary to aid said officer to perform all the duties
of his office, at the rate of not exceeding three hundred dollars
per annum, or in that proportion for a less time; provided that
the amount of salary and clerk hire of any auditor, treasurer
or recorder, shall in no case exceed the amount of fees such
officer would have been entitled to under the law previous to
the passage of the act entitled "an act to reduce the compen-
sation of members of the general assembly, and certain other
state and county officers, and for other purposes," passed
January twenty seven, one thousand eight hundred and forty
four; provided, further, that it shall not be the duty of county
or township officers to keep cash books, after the passage of Cash books.
this act, unless the same shall be ordered by the commission-
ers of such county.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

To amend the several acts now in force in relation to the sale of Lands forfeited to the State for the nonpayment of Taxes.

Auditor may adjourn sales of delinquent lands from day to day, until sold.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county auditor in discharge of his duty, under the act passed March fourteenth, one thousand eight hundred and thirty one, "to provide for the sale of lands forfeited to the state for nonpayment of taxes," is hereby authorized to adjourn the sale therein specified, from day to day, until he shall have disposed of, or offered for sale, each and every tract of land specified in the notice; and the notice of sale required by said act to be given, shall set forth that the sale will be so continued, provided that nothing in this section shall be so construed as to prevent said auditor from offering, in his discretion, any tract of land two or more times at the same sale.

Lands not selling for the am't of taxes, &c., may be retained on forfeited land list, and again offered.

SEC. 2. That if any tract or parcel of land shall not sell at such public sale for an amount sufficient to pay the taxes, interest and penalty, which stand against such tract, the auditor shall return the same as unsold, to be retained upon the list of forfeited lands, to be offered for sale the next succeeding year, as other forfeited lands.

How such lands may be redeemed.

SEC. 3. That whenever any tract or parcel of land shall be hereafter sold, under the provisions of this act, and the act to which this is an amendment, the former owner or owners may redeem the same, at any time within six months from the sale thereof, by depositing with the county auditor the amount of said sale, together with fifty per centum thereon, and by paying all other expenses incidental to, and arising from, said sale; provided, however, that if any of said forfeited lands shall be sold for a greater sum than the tax, interest, penalty and costs, it shall be the duty of the auditor to deposit the same with the treasurer of his proper county, and shall charge said treasurer separately in each case, in the name of the supposed owner, with the excess above said tax, interest, penalty and costs; and such treasurer shall retain in the treasury of his county the said excess, for the proper owner of said forfeited lands, and upon demand by such former owner, within two years from the day of such sale, pay such excess to said former owner; and in case said treasurer, upon such demand, shall not be fully satisfied as to the right of the person demanding the same to receive it, or in case of different claimants, it shall be the duty of said treasurer to file his bill of interpleader, in the court of common pleas of the county where such land was sold, wherein he shall make the person or persons claiming said excess, and the state of Ohio, defendants, and such suits shall be proceeded in according to the usages of courts of chancery upon bills of interpleader; and, in all cases, the costs of such proceeding in chancery shall be paid by the person or persons claiming said excess, as the court shall order; and it shall be the duty of the

Excess of purchase money to be paid to owner.

Duty of treasurer in certain cases.

Suit in chancery.

Costs.

prosecuting attorney of the county to attend to the same, in behalf of the treasurer. Prosecuting attorney.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
 DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

To amend an act entitled "an act directing the mode of proceeding in Chancery," dated March fourteenth, one thousand eight hundred and thirty one.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That answers in chancery, hereafter filed, shall not be received as evidence, except in cases where the bill or petition to which the answer is responsive, expressly calls for an answer on oath. Answers in chancery.
—not received unless called for.

SEC. 2. In cases where it shall be necessary to make the heirs or devisees of any decedent defendants, and the names of all, or part of them is unknown, and the complainant annexes to his bill or petition an affidavit certifying his want of knowledge of the names or residence of such heirs or devisees, proceedings may be had against them, without naming them, and the court shall make such order in relation to notice as may be deemed proper. Unknown defendants
—may be sued.

SEC. 3. The provisions of the forty eighth and forty ninth sections of the act directing the mode of proceeding in chancery, passed March fourteenth, one thousand eight hundred and thirty one, are extended to all injunctions, and in no case the breach of any injunction shall consist in the neglect or refusal of any person enjoined to perform an act required to be done by such injunction, such person may be fined in such sum, as the court may direct, not exceeding two hundred dollars, or be ordered to stand committed until such act shall be fully complied with, or until he shall be otherwise legally discharged. Provisions of a certain act extended to injunctions.
Neglect of injunction;
—penalty therefor.

SEC. 4. When any injunction shall be hereafter allowed, which shall operate to enjoin a levy upon, or to stay sale of any particular property by virtue of a levy, and not to stay proceedings at law generally, it shall be competent for the judge or court, allowing such injunction, to direct the amount of the penalty of the bond in any sum not less than twice the probable value of the property embraced or intended to be embraced in such levy; and on the dissolution of such injunction the court shall render a decree for the party enjoined to an amount not exceeding the value of the property levied upon, nor exceeding the amount of the judgment at law and interest thereon, and the costs accruing in such injunction proceed- Limited injunctions;
—penalty of bond.
Dissolution of injunction.
Decree—
Interest and costs.

Penalty—	ing together with five per centum penalty in such value or judgment and interest; but in all cases where a levy only is
Simple levy.	enjoined the plaintiff at law shall have the right to abandon
New execution.	his said levy, and have a new execution on his judgment against
Sections repealed.	other property; so much of sections forty three and forty four of the act above mentioned as is inconsistent with this section is repealed.
Writs of injunction;	SEC. 5. The supreme court, or any judge thereof, and the court of common pleas, or any president judge thereof, and the superior court of Cincinnati, and the judge thereof, shall have
—who shall have power to grant.	power to grant writs of injunction, and appoint receivers thereunder; and either of said courts, or any judge thereof, shall have
Bond and security may be controlled by complainant.	power to grant writs of injunction to stay proceedings both before and after judgment of any of the courts of law; and in all cases of allowance of injunctions, the court, or judge allowing the same, shall direct the amount and condition of the bond and security to be given by the complainant, unless especially
Section repealed.	provided for by law. Section forty one of the act above mentioned is repealed.
Appeals.	SEC. 6. Any party to a suit in chancery may appeal his separate part of the suit, in which case the court from which the appeal is taken, shall direct the amount and condition of the bond on appeal.
Acts repealed.	SEC. 7. All acts and parts of acts inconsistent with this act are hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
 DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

To provide for obtaining stone for the Public Buildings, and works of the State, and for other purposes.

Directors and
 Warden of the
 O. P. to procure
 a stone quarry;

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That for the purpose of procuring, in an economical manner, suitable stone for the public buildings, and other public works of the state, to be wrought by the convicts in the penitentiary, the directors and warden of the Ohio Penitentiary, be and they are hereby authorized and required to procure a limestone quarry, by purchase or otherwise, at some suitable point on or near the Scioto River, and not more than six miles distant from the city of Columbus, having due regard in its selection, to the distance, the quantity and quality of the stone, and the facility with which such stone can be quarried and transported.

SEC. 2. That the said directors and warden are hereby authorized and required to construct a railroad from the Ohio Penitentiary to said quarry, and in doing so they shall have the same power that other agents of the state have on the public works of the state, as specified in the eighth section of the act to provide for the internal improvement of the state of Ohio by navigable canals, passed February fourth, one thousand eight hundred and twenty five.

—and construct a railroad there-to.

Special powers of Directors, &c.

SEC. 3. That for the purpose of carrying into effect the provisions of the first and second sections of this act, the said directors and warden are hereby authorized to appropriate from time to time as may be necessary, any moneys belonging to the prison, the avails of convict labor, and such surplus labor as may not be engaged on contract, having due regard to the interest of the state, and the prison, any other appropriation in the fifth section of this act to the contrary, notwithstanding.

Surplus moneys and labor of Penitentiary appropriated.

SEC. 4. Whenever any present contract for convict labor shall expire by limitation or otherwise, such contract shall not be renewed, if, in the opinion of the directors it will, to any considerable extent, interfere with the business and interest of the mechanics of this state, and all prisoners employed upon such contract, provided the same be not renewed, shall thereafter be employed upon the work aforesaid, and provided that the directors and warden shall at all times employ upon contracts, the business of which does not, in their opinion, to any considerable extent, conflict with free mechanical labor, so many of the convicts as, in their opinion, may be necessary to defray the expenses of the institution, and no more, and the remainder shall be employed either upon the work aforesaid, or upon the railroad, as provided for in this act, at the discretion of the directors and warden; provided, further, that nothing in this act shall be taken to interfere with any legally existing contracts for convict labor so far as it respects the number of men now employed.

Expiring contracts not to be renewed if conflicting with mechanical interests.

Legally existing contracts not to be interfered with.

SEC. 5. That if any person or persons shall willfully or negligently obstruct, or in any way spoil, injure or destroy said road, or any thing belonging or incidental thereto, or any materials used or to be used, in the construction thereof, or any building, fixture or carriages erected or constructed for the use or convenience of said road or quarry, such person or persons shall be liable for every such offence to treble the damages sustained thereby, to be recovered by action of debt in any court having competent jurisdiction.

Obstruction, &c. of railroad &c.

Penalty therefor.

SEC. 6. Nothing in this act shall interfere with the existing contracts for the enlargement of the Lunatic Asylum as authorized by law.

Lunatic Asylum.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

To punish the offences of cutting down or destroying fruit and ornamental trees, and stealing fruit and vegetables, in certain counties of this State.

Injury to trees,
&c., in Cuyahoga
county—how
punished.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That if any person or persons within the county Cuyahoga shall willfully, maliciously, and without lawful authority, cut down, root up, sever, injure or destroy any fruit or ornamental tree, cultivated root or plant, fruit, or other vegetable production, standing or growing on, or being attached to the lands of another, or shall willfully and without lawful authority, cut down, root up, destroy or injure any fruit or other ornamental tree or shrubbery, planted or growing on any street, lane or alley, or public grounds in any city, borough or incorporated town in said county, every such person so offending, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine, not more than five hundred dollars, or by imprisonment, in the jail of said county, not exceeding three months, or both, at the discretion of the court, and shall moreover, be liable in damages to the party injured.

Tenants in com-
mon.

SEC. 2. In case of prosecution for either of the offences above specified, if the lands therein referred to shall be owned or occupied in common, by two or more tenants in common, the indictment shall be deemed sufficient, if the name of any one or more of such tenants in common shall be named therein.

Prosecutions
shall be by in-
dictment or in
action of debt—
limitation.

SEC. 3. That all prosecutions under the provisions of this act shall be by indictment before the court of common pleas in said county, or by an action of debt before any justice of the peace of the said county, and shall be commenced within one year from the time such offence shall have been committed, and not afterwards; and all fines collected under the provisions of this act shall be paid into the county treasury of said county for the use of the same.

Fines.

Extending these
provisions to
other counties.

SEC. 4. This act shall extend to, and be in force in the counties of Geauga, Lake, Ashtabula, Trumbull, Huron, Lorain, Erie, Wood, Summit, Medina, Portage, Fayette, Seneca, Sandusky, Franklin, Washington, Greene, Tuscarawas, Meigs and Richland.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 13, 1845.

AN ACT

Making appropriations for the year one thousand eight hundred and forty five.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following sums be and they are hereby appropriated out of any moneys in the treasury not otherwise appropriated, to be paid for the year one thousand eight hundred and forty five, to wit:

For the payment of the members of the general assembly, their clerks, assistant clerks, sergeants-at-arms, doorkeepers, and messengers, a sum not exceeding thirty thousand dollars; For payment of members, &c.;

For paying the salaries of the governor, auditor, treasurer, and secretary of state, librarian, superintendent of the lunatic asylum, and chief clerk in the auditor's office, the sum of five thousand dollars; State officers;

For paying the salaries of judges of the supreme court, president judges of the court of common pleas, and the judge of the superior court of Cincinnati, and the reporter of the decisions of the supreme court in bank, the sum of twenty four thousand dollars; Judges and Reporter;

For paying the salaries of the board of public works, a sum not exceeding twenty five hundred dollars; Board of public works;

For paying the state printer, a sum not exceeding seventeen thousand dollars; State Printer;

For paying bounty on wolf scalps, a sum not exceeding fifteen hundred dollars; Wolf scalps;

For paying the expenses and salaries of adjutant and quartermaster generals, the sum of one thousand dollars; Military officers;

For contingent fund of the governor, a sum not exceeding four thousand dollars; out of which he shall be authorized to pay such sum, not exceeding three hundred dollars, in addition to the sum now allowed by law, to his private secretary as may be necessary to insure the services of a competent person; Contingent funds;

For contingent fund for secretary of state, a sum not exceeding one thousand dollars;

For contingent fund of treasurer of state, a sum not exceeding twelve hundred dollars; of which not exceeding three hundred dollars may be expended for clerk hire, in addition to the amount now allowed by law, at the discretion of the treasurer;

For contingent fund for the auditor of state, including one thousand dollars for new entries, the sum of three thousand five hundred dollars; out of which the auditor shall be authorized to pay for clerk hire such sum, not exceeding four hundred dollars, in addition to the salaries now allowed by law, as may be necessary to secure the services of competent clerks, the sum of four hundred dollars. The sum of four hundred dollars to the secretary of state, as superintendent of common schools, for services and clerk hire, and not exceeding two hundred dollars in addition to the salary of the clerk of the secretary, to secure the services of a competent clerk;

- For the purchase of wood for the next general assembly and the public offices, a sum not exceeding five hundred dollars;
- For the payment of treasurers' mileage, a sum not exceeding one thousand dollars;
- State library;** For the state library, a sum not exceeding five hundred dollars; for premium of insurance on the books and other property in the library, a sum not exceeding one hundred dollars;
- Postage of members;** For the payment of postage of the members and officers of the general assembly, a sum not exceeding twenty five hundred dollars;
- Lunatic asylum;** For supporting the lunatic asylum, including the support of additional patients to occupy the west building, a sum not exceeding thirteen thousand dollars. For continuing the erection of the east building of said asylum, so as to provide for the admission of an additional number of patients, and purchasing a piece of seven acres of land, situate between the lands of the asylum and Broad street, provided the same can be purchased for a reasonable price, not exceeding two thousand dollars, eight thousand dollars. And for furnishing the west building of said asylum, and for other purposes, including the purchase of stoves for warming the building, and all the other necessary furniture, ten thousand dollars;
- Deaf and dumb asylum;** For the deaf and dumb asylum, two thousand dollars to discharge its present debts, and three thousand to erect and cover one wing as an addition to the present buildings;
- Blind asylum:** For the institution for the blind, two thousand dollars;
- For clothing indigent pupils in the institution for the blind, one hundred and fifty dollars;
- For clothing indigent pupils in the asylum for the deaf and dumb, one hundred and fifty dollars;
- For operating on the eyes of pupils in the institution for the blind, one hundred dollars;
- For expenses of courts martial, one thousand dollars;
- Double entries;** For double entries, a sum not exceeding twelve hundred dollars;
- Fund commissioners—their secretary.** For salary of the acting fund commissioners, six hundred and sixty six dollars; and for the salary of the secretary for the fund commissioners, four hundred dollars;
- Investigating commissioners—public works; Commissioners canal fund;** For paying the wages, traveling, and incidental expenses of commissioners appointed to examine the books, accounts, and doings of the board of public works and the commissioners of the canal fund, to be paid out of the treasury, on the warrant of the auditor of state, who is hereby authorized to audit the accounts of said commissioners, a sum not exceeding twenty five hundred dollars;
- Warden O. P.;** For the salary of the warden of the penitentiary for the years one thousand eight hundred and forty four and one thousand eight hundred and forty five, the sum of one thousand six hundred dollars; and for the salary of the physician to the penitentiary, for the years one thousand eight hundred and
- Physician**

forty four and [one thousand eight hundred and forty] five, the sum of one thousand dollars; provided that after the passage of this act the salary of said physician shall not exceed the rate of four hundred dollars per year;

For Lucien Buttles, the sum of fourteen dollars and eighty three cents; Miscellaneous appropriations-

For Ellis Ayres, the sum of nineteen dollars and forty six cents;

For O. P. Stidger, the sum of one dollar;

For R. Ellis and company, the sum of sixteen dollars and thirty nine cents;

For Whiting and Huntington, the sum of twenty five dollars;

For J. Ridgway, the sum of twenty six dollars and sixty three cents;

For H. J. Amburgh, the sum of seven dollars and twenty six cents;

For James Aston, the sum of seventy dollars and seventy cents;

For Lucien Buttles, seventy five cents;

For Dwight Stone and company, seventy five cents;

For Robert Ellis and company, thirty one dollars and sixty four cents;

For Stewart and Osborn, ten dollars and eighty eight cents;

For A. Hardy, six dollars and forty cents;

For S. E. Wright and company, eight dollars and sixty cents;

For William Ballinger, one dollar;

For James Sternes, nine dollars and fifty cents;

For Van E. Vanmetre, twenty three dollars and thirty two cents;

For H. W. Broderick, twenty dollars;

For L. D. and L. R. Preston, eleven dollars and sixty five cents;

For S. I. Godman, fifty two dollars and fifty cents;

For Ellis, Sessions, and company, nine dollars and thirty one cents;

For W. M. Savage, three dollars and seventy five cents;

For Christian Betz, twenty four dollars and fifty cents;

For John Greenleaf, thirty dollars;

For Jacob Boswell, twenty four dollars and eighty six cents;

For George J. Pugh, two dollars and twenty five cents;

For John Walton, ten dollars;

For John Moore, twelve dollars and fifty cents;

For Barnhart, Hall and company, eleven dollars;

For Ellis Ayres, five dollars and seven cents;

For William Domigan, one hundred and twenty four dollars;

For Stewart and Higgins, nine dollars and twenty one cents;

For Lawrence Dipple, five dollars and twenty five cents;

For Stewart and Osborn, twenty three dollars and forty one cents;

For S. I. Godman, sixteen dollars;
 For H. F. Wheeler, seventy five cents;
 For W. Large, two dollars and sixty nine cents;
 For A. Schneider, twenty dollars;
 For Lucien Buttles, seventy five cents;
 For Luther Donaldson, two dollars;
 For R. R. Allen, two dollars and sixty two cents.

That the appropriations hereby made are in addition to the unexpended balances of former appropriations.

General revenue
tax.

SEC. 2. That the tax hereinafter to be levied for general revenue purposes shall be one mill on the dollar on grand duplicate.

Provision for the
payment of in-
terest on state
debt.

SEC. 3. It shall be lawful for the auditor and treasurer of state to transfer to the canal fund, for the payment of interest on the debts of the state, any moneys belonging to the general revenue which may be in the treasury, and not otherwise appropriated by this or by any former act, and also to loan to said fund, for the purpose aforesaid, any moneys which may at any time be in the treasury, and which may not, in the opinion of said auditor and treasurer, be required within six months thereafter for the payment of appropriations; and any sum so loaned shall be replaced out of accruing revenues applicable to the payment of interest.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 13, 1845.

AN ACT

To amend the act entitled "An act to amend an act for the support and better regulation of Common Schools, and to create permanently the office of Superintendent," passed March 29, 1841.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the fourth section of the act to which this is an amendment shall not be so construed as to prevent the trustees from laying off school districts composed of parts of two or more townships where said townships are adjacent, but being in different counties, and they are hereby authorized to lay off such district in the same manner as if the townships lay in the same county.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 12, 1845.

SECRETARY OF STATE'S OFFICE,
COLUMBUS, OHIO, April 15, 1845.

I hereby certify that the foregoing acts are true copies of
the original rolls on file in this department.

SAMUEL GALLOWAY,
Secretary of State.

INDEX TO GENERAL LAWS.

ACTS REVIVED.

Page.

To revive certain acts in relation to judgments, executions, &c. 76

APPORTIONMENT.

Amending the act to divide the State into Congressional Districts... 96

APPROPRIATIONS.

Making appropriations for 1845 129

ASSESSMENT.

To provide for a correct and equal assessment of money and capital,
for taxation..... 109

AUDITORS.

County—to amend the act prescribing the duties of..... 123

BANKS AND BANKERS.

To incorporate the State Bank of Ohio, and other banking com-
panies..... 24

To regulate judicial proceedings where banks and bankers are par-
ties..... 67

To declare the rights of banks incorporated by other governments
to sue in the courts of this state 88

To prohibit unauthorized banking, and the circulation of unauthor-
ized bank paper..... 121

BROKERS.

To tax money brokers..... 104

CANAL COMPANIES.

To prevent canal companies from drawing off water at certain
periods 17

CANAL FUND COMMISSIONERS.

To appoint commissioners to examine the books, &c. of	Page. 97
---	-------------

CANNON.

To prevent the firing of, on public streets and highways	17
--	----

CHANCERY.

To amend an act directing the mode of proceeding in,	71
Further to amend the same	125

CIVIL CASES.

Duties of Justices of the Peace and Constables in—an act to revive certain acts therein named	76
---	----

COMMON SCHOOLS.

See SCHOOLS.

COSTS.

To amend an act regulating the taxation and collection of,	120
--	-----

CONGRESSIONAL DISTRICTS.

See APPORTIONMENT	96
-------------------------	----

CONSTABLES.

Amending an act concerning powers and duties of, &c., in criminal cases	63
In civil cases—See ACTS REVIVED	76

COUNTY SEATS.

See SEATS OF JUSTICE	19
----------------------------	----

COUNTY AUDITORS.

See AUDITORS	123
--------------------	-----

COUNTY COMMISSIONERS.

To authorize County Commissioners to melt, mutilate, and sell counterfeit coin, and counterfeiting implements	16
---	----

COUNTY TREASURERS.

See TREASURERS	3
----------------------	---

CONVICTS.

Insane, to provide for the safe keeping of	Page. 73
--	-------------

COURTS.

To regulate judicial courts and the practice thereof	80
To amend an act amending the act to regulate the practice of, passed March 8, 1831	114
Fixing the times of holding the Supreme Court	9
Amending the same	99
Creating the sixteenth judicial circuit, &c.—See JUDICIAL CIRCUITS.	
Fixing the times of holding the Court of Common Pleas	11
Amending the same	15
Further amending the same	15
Further amending the same	18
Further amending the same	99
Fixing the times of holding the Court of Common Pleas in Delaware county	22
Amending the act to establish a Superior Court in the City of Cincinnati	59
Authorizing the Court of Common Pleas of Franklin county to hold special sessions, and fixing the time for holding Courts of Common Pleas in Clark county	64
Providing for an additional term of the Court of Common Pleas in the county of Allen	71
Attaching the county of Defiance to the sixteenth circuit, and fix the times of holding the Court of Common Pleas therein	102
Amending the same	120

COUNTERFEIT COIN.

See COUNTY COMMISSIONERS	16
--------------------------------	----

CRIMINAL CASES.

See JUSTICES OF THE PEACE, and CONSTABLES	63
---	----

ELECTIONS.

To prevent frauds at, and provide for registering the names of electors	116
---	-----

ESTATES OF DECEASED PERSONS.

Settlement of, in addition to the act to provide for	20
--	----

FIRE COMPANIES.

Explanatory of an act to encourage the organization of	69
--	----

FORFEITED LANDS.

To amend the acts in relation to the sale of	124
--	-----

FORCIBLE ENTRY AND DETAINER.

To amend the several acts now in force in relation to.....	Page. 7
--	------------

FRUIT TREES.

To punish the destruction of, &c	128
--	-----

IDIOTS AND INSANE PERSONS.

Amending the act to provide for the safe keeping of.....	74
--	----

ILLEGITIMATE CHILDREN.

In addition to the act providing for the support of.....	65
--	----

JAIL.

See OFFENCES.....	79
-------------------	----

JUDGMENTS AND EXECUTIONS.

An act to revive certain acts therein named	76
---	----

JUDICIAL CIRCUITS.

To create the sixteenth judicial circuit, and alter certain other judicial circuits	21
Attaching county of Defiance to sixteenth judicial circuit.....	102

JUSTICES OF THE PEACE.

Amending an act concerning the powers and duties of, &c., in criminal cases	63
In civil cases—see ACTS REVIVED.....	76

JURIES.

Before Justices of the Peace—amending the act to allow.....	57
---	----

LIBRARY.

Of State—to regulate	58
----------------------------	----

LICENSE.

See TAVERNS.

LUNATICS.

See IDIOTS.....	74
-----------------	----

MERIDIAN.

See TRUE MERIDIAN.	75
18—G. L.	

MILITIA.

	Page.
Amending the act to regulate	23
Dividing the third brigade in the sixteenth division	8
Changing the law to divide the first and second brigade in the first division	74

NATIONAL ROAD.

To amend an act for the preservation and repair of	89
To amend the above act	100

OFFENCES.

To provide more effectually for the punishment of	79
---	----

PAUPERS.

To prevent the bringing into the State of paupers having no settlement therein	77
--	----

POORHOUSES.

Amending the act to authorize the establishment of	100
--	-----

PROSECUTIONS.

For certain offences, &c., limited	6
--	---

PUBLIC BUILDINGS.

To provide stone for	126
----------------------------	-----

PUBLIC PRINTING.

To provide for	82
To regulate the manner and form of execution of printing ordered by the General Assembly	4
To provide for the printing of Ohio Reports	4

PUBLIC WORKS.

To appoint commissioners to examine the books, &c., of the Board of	55
Amending the act to revive the Board of, and various other acts	60

RAILROADS.

An act for the protection of	92
------------------------------------	----

REPORTS, OHIO.

See PUBLIC PRINTING	4
---------------------------	---

ROADS.

	Page.
State and County—an act in relation to.....	95
Amending an act relating to roads and highways, and supervisors..	8

QUO WARRANTO.

To amend an act relating to.....	94
----------------------------------	----

SCHOOLS.

Common—Amending an act for the support, &c., of	132
Amending the 6th section of the same.....	98

SCHOOL LANDS.

To fix the minimum price of.....	58
----------------------------------	----

SEATS OF JUSTICE.

To amend an act establishing.....	19
-----------------------------------	----

SHERIFFS.

Authorized to administer oaths in certain cases	87
---	----

SOCIETIES.

Literary and other—to regulate	70
--------------------------------------	----

STATE PRINTING.

See PUBLIC PRINTING.

SUPERVISORS.

Amending an act relating to, &c.....	8
--------------------------------------	---

SURPLUS REVENUE.

To amend an act providing for the distribution and investment of..	69
Borrowers of—for the relief of	72
Further amending the act in relation to the distribution of, &c.....	77

TAVERNS.

To amend an act granting licenses, &c.....	8
--	---

TAXES.

To amend the act pointing out the mode of levying	103
Assessment of—See ASSESSMENT	109

TOWNSHIPS.

To amend the act to provide for the incorporation of.....	Page. 20
---	----------

TREASURERS.

Amending an act to amend an act defining the duties of County Treasurers.....	3
---	---

TRUE MERIDIAN.

Lines of—To authorize the establishment of	75
--	----

TURNPIKES.

Free—To provide for laying out and establishing.....	106
Amending the act to provide for the regulation of turnpike companies	101

WATERPOWER.

For the relief of lessees and assignees of waterpower in this State .	68
---	----

WILLS.

To amend the act relating to.. ..	66
-----------------------------------	----

WRECKMASTERS.

In addition to the act to provide for the appointment, and define the duties of	54
---	----

**TITLES OF THE ACTS OF A LOCAL NATURE,
PASSED BY THE FORTY THIRD GENERAL ASSEMBLY,
TOGETHER WITH THE DATE OF THEIR PASSAGE.**

ACADEMICAL INSTITUTIONS.

	Page.
To incorporate the Tallmadge Academical Institute, of Tallmadge, in the county of Summit, passed January 9, 1845.....	12
To incorporate the Bedford Seminary, in Cuyahoga county, passed January 15, 1845	16
To incorporate the Cincinnati Classical Academy, passed January 23, 1845.....	39
To incorporate the Trustees of the Columbus Academical and Collegiate Institute, passed February 6, 1845.....	65
To incorporate the Aurora Academical Institution, in the county of Portage, passed February 10, 1845.....	75
To incorporate the Cooper Female Academy, in Dayton, passed February 10, 1845.....	87
To incorporate the Akron Institute, passed February 10, 1845....	89
To incorporate the Jackson Academy, in the county of Jackson, passed February 18, 1845.....	98
To incorporate the Vermillion Institute, passed March 4, 1845.	229
To incorporate the Findlay Academical Institute, of the county of Hancock, passed March 4, 1845	203
To incorporate the Cottage Hill Academy in Ellsworth, in the county of Trumbull, passed March 8, 1845.....	289
To incorporate the Rocky River Seminary, passed February 26, 1845	121
To incorporate the Normal High School, of Carroll county, passed March 8, 1845.....	292
To incorporate the London Academy, in the county of Madison, passed March 12, 1845.....	384
To incorporate the West Jefferson Academical Institute, in the county of Madison, passed March 12, 1845.	409

BANKS.

To authorzie the trustees of the creditors and stockholders of the Bank of Geauga to distribute its judgments and choses in action, and to authorize the distributees to use the name of the trustees and to collect the same, passed March 10, 1845.....	343
To authorize William Lewis, trustee of the Mechanics' and Traders Bank of Cincinnati to commence and prosecute suits against the debtors of said bank, passed March 8, 1845.....	308
For the relief of the creditors of the Granville Alexandrian Society, and to enable said society to collect and pay its debts, passed March 8, 1845.....	311

BRIDGES.

Authorizing the board of directors of the Steubenville, Cadiz and Cambridge Macadamized road company to relinquish to the commissioners of Jefferson county the right of way for a bridge over Cross creek, passed December 28, 1844.....	5
To amend the charter of the Miami Bridge Company, passed February 20, 1816, passed March 10, 1845	351
To amend the act entitled "an act to authorize Levi Whipple and others to erect a tollbridge over the Muskingum river," and the act entitled "an act to authorize Moses Dillon and his associates to erect a tollbridge over the Muskingum river," passed March 4, 1845	200
To incorporate the Butler county tollbridge company, passed March 6, 1845	238
To authorize the counties of Pickaway and Franklin to build a bridge across Big Walnut Creek, passed March 12, 1845.....	396
To incorporate the Blanchard River Bridge Commissioners, No. 2, passed March 8, 1845.....	294

CANALS.

To amend the act entitled "an act to amend the act to incorporate the Perrysburg Canal and Hydraulic Company," passed December 24, 1840, passed January 21, 1845 ..	32
Further to amend the act entitled "an act incorporating the Milan Canal Company," passed January 24, 1827, passed March 8, 1845 ..	295
To amend the act entitled "an act to incorporate the Cincinnati and Whitewater Canal Company, passed February 27, 1845.....	159

CEMETERIES.

To amend an act entitled an act to incorporate the German Protestant Cemetery, of Cincinnati, passed December 26, 1844.....	5
To amend an act to incorporate the German Catholic Cemetery, of Cincinnati, passed January 7, 1844.....	7
To incorporate the proprietors of the Cemetery, of Spring Grove, passed January 21, 1845.....	24
To incorporate the proprietors of the Woodland Cemetery, in Greene county, passed February 25, 1845.....	118
To incorporate the Mansfield Cemetery Association, of Richland county, passed March 12, 1845.....	398
To incorporate the First German Protestant Cemetery Association, of Cincinnati, passed February 27, 1845.....	144

CHURCHES.

To amend an act entitled "an act incorporating the First Presbyterian Society, in Cincinnati," passed January 12, 1807, passed January 31, 1845.....	47
To incorporate sundry Churches therein named, passed February 19, 1845	104
To amend an act entitled "an act to incorporate the Welsh Calvinistic Methodist Church, of Cincinnati," passed February 8, 1834, passed February 26, 1845	127

CHURCHES—Continued.

To amend the act to incorporate the First Presbyterian Society, of Birmingham, Erie county, Ohio, passed February 27, 1845	145
To incorporate the Trustees of the Dalton Parsonage of the Methodist Episcopal Church, in Sugarcreek township, Wayne county, Ohio, passed March 4, 1845	188
To amend the act to incorporate the First Presbyterian Church, in Clarksfield, Huron county, passed March 4, 1845	194
To incorporate the Central Presbyterian Congregation, of Cincinnati, passed March 4, 1845	233
To authorize the Trustees of the First Presbyterian Church, of Martinville, in Belmont county, to convey certain real estate, passed March 6, 1845	264
To incorporate the First Presbyterian Church, of Warren, Trumbull county, passed March 10, 1845	341
To incorporate sundry Churches therein named, passed March 13, 1845	423

COLLEGES.

To authorize the Trustees of the Cincinnati College to borrow money to erect college buildings, passed March 11, 1845	376
To amend an act entitled "an act to incorporate the Marietta College," passed December 21, 1844	4
To authorize the establishment of a College of Dental Surgery, passed January 21, 1845	32
To amend the act incorporating the Granville Literary and Theological Institution, passed February 3, 1845	54
To incorporate the Trustees of the Protestant University of the United States, March 10, 1845	338
To incorporate the trustees of the Fort Meigs University, passed February 10, 1845	80
To incorporate the Board of Directors of Wittenberg College, passed March 11, 1845	375

COUNTIES.

To erect the new county of Wyandott, and alter the boundaries of the county of Crawford, February 3, 1844	61
Declaratory of the ninth section of the act to erect the new county of Wyandott, and alter the boundaries of the county of Crawford, March 4, 1845	184
To authorize the Commissioners of Erie county to procure copies of certain records in the county of Huron, passed January 15, 1845	21
To authorize the County Commissioners of Delaware county to alter the boundaries of certain townships in Delaware county, passed January 15, 1845	18
To legalize and confirm a mortgage made by the Trustees of the Monroe Academical Association to the Fund Commissioners of said county, passed February 25, 1845	256
Directing road taxes, when levied in the counties of Monroe and Belmont, to be levied at the March session of the county Commissioners, passed March 12, 1845	411
To authorize the Auditor of Butler county to levy a tax for certain purposes, passed March 11, 1845	364

COUNTIES—*Continued.*

To amend the act entitled "act to regulate the Fur Trade, in the counties of Sandusky, Ottawa and Lucas, passed February 26, 1845.....	140
To prevent Nuisances in the county of Cuyahoga, passed February, 26, 1845.....	127
To attach a part of the county of Athens to the county of Hocking, passed March 12, 1845.....	410
To amend an act entitled an act to improve Fisheries, on Sandusky river, within the counties of Seneca and Sandusky, passed March 10, 1843, passed March 10, 1845.....	354
To attach the townships of Homer and Marion, in Athens county, and sections Nos. 5, 6, 12, 29, 30, 35 and 36, in Roxbury township, in the county of Washington, to the county of Morgan, passed March 11, 1845.....	360
To alter the line between the counties of Franklin and Madison, passed March 4, 1845.....	196
To erect the county of Defiance, passed March 4, 1845.....	191
To authorize the Commissioners of Montgomery county to borrow money, passed February 28, 1845.....	210
To provide for the collection and payment of costs in criminal cases, in the counties of Geauga, Portage and Ashtabula, passed March 8, 1845.....	298
To amend the act entitled "an act to provide for the more permanent improvement of roads and highways, in the county of Hamilton, and for other purposes," passed March 6, 1844, passed February 27, 1845.....	168
To clear Killbuck creek, in the county of Wayne, of timber and other obstructions therein and for other purposes, passed March 6, 1845.....	240
To authorize Marion and other counties therein named, to subscribe to the capital stock of certain companies to make public improvements, passed March 5, 1845.....	232
To fix the fees of Gaugers and Inspectors of domestic spirits, in the county of Hamilton, passed March 6, 1845.....	254
To authorize the commissioners of Hardin county to levy an additional tax for road purposes, passed February 26, 1845.....	123
To authorize the county commissioners of Meigs county to borrow money, passed March 1, 1845.....	147
To attach Kelley's Island to the county of Erie, passed March 8, 1845.....	300
Further to amend the act to provide for the draining of certain ponds, in the county of Butler, passed March 2, 1838, passed February 18, 1845.....	93
To authorize the commissioners of Hancock county to subscribe to the capital stock of the Madriver and Lake Erie Railroad Company, for the purposes herein specified, passed February 19, 1845.....	109
To authorize the commissioners of Clark county to subscribe to the capital stock of the Little Miami Railroad Company, passed February 31, 1845.....	46
To authorize the counties of Pickaway and Franklin to build a bridge across Big Walnut Creek, passed March 12, 1845.....	396

DIVORCES.

To divorce Aaron Glass from his wife Mary Glass, passed March 10, 1845	312
To divorce Susan M. Swan from her husband Mortimer D. Swan, passed March 11, 1845	385
To divorce Sarah Birch from her husband Squire Birch, passed March 12, 1845	382

FORFEITED LANDS.

To provide for the sale of forfeited lands and lots in Wood county, passed February 18, 1845	100
--	-----

FIRE COMPANIES.

To incorporate a Fire Company in the town of Zoar, in the county of Tuscarawas, passed January 11, 1845	16
To amend the act entitled "an act to incorporate the Western Engine and Hose Company, of Cincinnati," passed January 31, 1845	47
To incorporate the Volunteer Hook and Ladder Company, number one, in the town of Miamisburg, Montgomery county, Ohio, passed February 10, 1845	79
To incorporate the Mount Vernon Hook and Ladder Company, passed March 1, 1845	156
To incorporate the Bainbridge Hook and Ladder Company, passed March 6, 1845	245
To incorporate a Hook and Ladder Company in the town of Marysville, in the county of Union, passed March 4, 1845	220
To incorporate the Franklin Fire Engine and Hose Company, of Cincinnati, passed March 8, 1845	310
To incorporate the Chesterville Hook and Ladder Company, passed March 10, 1845	342

INSURANCE COMPANIES.

To amend an act entitled "an act to incorporate the Montgomery County Mutual Fire Insurance Company," passed February 3, 1844, passed December 21, 1844	3
To incorporate the Ravenna Mutual Fire Insurance Company, passed February 19, 1845	134
To incorporate the Mutual Life Insurance Company of Ohio, passed February 19, 1845	105
To amend the act entitled "an act to incorporate the Ohio Mutual Fire Insurance Company," passed March 11, 1843, passed February 25, 1845	130
To incorporate the Merchants' Mutual Safety Insurance Company of Cincinnati, passed March 8, 1845	305
To incorporate the Central Ohio Insurance Company of Licking county, passed March 8, 1845	319
To amend an act entitled "an act to incorporate the Fireman's Insurance Company of Dayton," passed February 23, 1835, passed March 8, 1845	301

LITERARY ASSOCIATIONS.

To incorporate the Young Men's Book Association of West Canaan, in the county of Madison, passed February 3, 1845	61
To incorporate the German Library Association, of Cincinnati, passed February 3, 1845	64
To incorporate the New Carlisle Social Library Company and the Library Association of Harlem, in Carroll county, passed February 10, 1845	68
To incorporate the Tallmadge Library Association, in the county of Summit, passed February 10, 1845	70
To incorporate the Miamisburg Library Association, passed March 6, 1845	274
To incorporate the Linton Library Association, of the county of Coshoccon, passed March 12, 1845	389
To incorporate certain literary societies, passed March 11, 1845	361

LODGES.

To incorporate the Muskingum Lodge, No. 28, of the Independent Order of Odd Fellows, at Zanesville, Ohio, passed March 6, 1845.	255
To incorporate the Master, Wardens and Brethren, of Mansfield Lodge, No. 35, passed February 27, 1845	172
To incorporate the Piqua Lodge, No. 8, of the Independent Order of Odd Fellows, of the State of Ohio, passed February 25, 1845.	142
To incorporate the Master, Wardens and Brethren, of the Washington Lodge, No. 17, of Hamilton, Ohio, passed February 25, 1845.	141
To incorporate the Olive Branch Lodge, No. 34, of the Independent Order of Odd Fellows, of Newark, Ohio, and other Lodges therein named, [these Lodges are, Mahoning Lodge, No. 29, Warren, Trumbull county; Lafayette Lodge, No. 26, Hillsborough, Highland county.] passed February 26, 1845	123
To amend the act entitled "an act to incorporate the Montgomery Lodge, No. 5, of the Independent Order of Odd Fellows, of Dayton, Ohio," passed February 2, 1840, passed March 1, 1845	149
To incorporate the Springfield Lodge, No. 33, of the Independent Order of Fellows, at Springfield, Clark county, passed January 27, 1845	42
To incorporate the Minerva Lodge, No. 98, of Free and Accepted Masons, of Miamisburg, in Montgomery county, passed March 11, 1845	361
To incorporate the Central Lodge, No. 23, of the Independent Order of Odd Fellows, of Columbus, Ohio; and Harmony Lodge, No. 14, of the Independent Order of Odd Fellows, at Rossville, Butler county, passed March 12, 1845	380
To authorize the Master and Wardens of Nova Cesarea Harmony Lodge, No. 2, to borrow money, passed March 11, 1845	373
To incorporate the Wayne Lodge, No. 10, of the Independent Order of Odd Fellows, at Dayton, Ohio, passed March 12, 1845	396

MINISTERIAL LANDS.

To authorize the lessees of Section 29, in the original surveyed township No. 3, and range 3, in Butler county, to surrender their leases and receive deeds, passed January 15, 1845.....	14
To authorize the lessees of Section 29, in township No. 4, in third Range, in Warren county, to surrender their leases, passed January 21, 1845.....	28
To authorize the lessees of Section No. 29, in township No. 4, in the Second Range, in Warren county, to surrender their leases and take deeds, passed March 12, 1845.....	406
To authorize the sale of Ministerial Section, No. 29, in Scipio township, in the county of Meigs, passed March 1, 1845,...	155
To provide for releasing Ministerial Section 29, and School Section 16, in Homer township, Athens county, passed March 6, 1845..	270

MISCELLANEOUS ASSOCIATIONS.

To incorporate the Firemen's General Association, of the city of Cleveland, passed February 19, 1845.....	110
To incorporate the Cincinnati Firewood Company, passed January 29, 1845.....	45
To incorporate the trustees and subscribers of the new Orphan's Asylum, for colored children, of Cincinnati, passed February 18, 1845.....	101
To incorporate the Dayton Hydraulic Company, passed March 1, 1845.....	148
To incorporate the Dayton Water Company, passed March 1, 1845..	152
To incorporate the Dayton Manufacturing Company, passed March 4, 1845.....	194
To provide for the settlement of the affairs of the Cuyahoga Falls Real Estate Association, passed March 4, 1845.....	222
To incorporate the German Tailor's Benevolent Society, of Cincinnati, passed February 27, 1845.....	175
To incorporate the German Tailor's Trades Union, of Cincinnati, passed February 27, 1845.....	165
To incorporate the Ohio Iron Manufacturing Company, passed March 6, 1845.....	330
For the incorporation of the Ohio Division, No. 1, of the Sons of Temperance, passed March 6, 1845.....	261
To incorporate the Royalton Steam Mill Company, in the county of Lucas, passed March 6, 1845.....	265
To incorporate the New England Society, of Cincinnati, passed March 1, 1845.....	187
To incorporate the Cincinnati Horticultural Society, passed February 27, 1845.....	246
To incorporate the Carrollton Band, of Carroll county, passed March 4, 1845.....	236
To incorporate the German Benevolent Society of Newark, Licking county, passed March 4, 1845.....	218
To incorporate the East Bronson Burial Ground Society, passed March 4, 1845.....	198
To amend the act entitled "an act to incorporate the Port Washington Manufacturing Company," passed February 14, 1838, passed March 8, 1845.....	304

MISCELLANEOUS ASSOCIATIONS—Continued.

Further to amend the act incorporating the Hamilton and Roseville Hydraulic Company, passed March 12, 1845.....	391
To repeal so much of an act to amend an act entitled "an act to incorporate the North Union School Association, of Carroll county," passed March 15, 1837, as relates to the fifth school district, in Union township, and for other purposes, passed March 1, 1845..	213
To explain the act to incorporate the Cincinnati Astronomical Society, passed March 4, 1845.....	215

MEDICAL INSTITUTIONS AND ASSOCIATIONS.

To amend the act entitled "an act to incorporate the Summit county Medical Society," passed March 12, 1844, passed February 25, 1845.....	141
To incorporate the trustees of the Medical Institute of Cincinnati, to be located in Cincinnati, passed March 10, 1845.....	357
To incorporate the Hunterian Society of the Medical Department of the Western Reserve College, passed February 25, 1845.....	130

NEW COUNTIES, SEE COUNTIES.

PLANK ROADS.

To incorporate the Huron Plank Road Company, passed February 19, 1845.....	111
To incorporate the Milan and Richland Plank Road Company, passed January 31, 1845.....	49
To incorporate the Newark Plank Road Company, passed March 6, 1845.....	268
To incorporate the Wooster, Medina and Cuyahoga Plank Road Company, passed February 25, 1845.....	157
To incorporate the Millersburg and Wooster Plank Road Company, passed March 6, 1845.....	262
To incorporate the Wooster, Harrisville and Cleveland Plank Road Company, passed March 10, 1845.....	332
To incorporate the Black River and Sullivan Plank Road Company, passed March 10, 1845.....	345
To incorporate the Goshen, Blanchester and Martinsville Plank Road Company, passed March 8, 1845.....	317
To amend an act passed January 31, 1845 to incorporate the Milan and Richland Plank Road Company, passed March 11, 1845..	375

PRIVATE PERSONS.

For the relief of Robert W. Russell, of Cincinnati, passed January 15, 1845.....	20
To authorize certain investments of the fund bequeathed by Mrs. Eunice Buckingham, late of Putnam, in the county of Muskingum, deceased, for the purpose of female education, passed January 29, 1845.....	42
For the relief of Grandison Newell, and others, passed February 10, 1845.....	67

PRIVATE PERSONS—Continued.

For the relief Jas. Wolcott, of Maumee City, passed February 3, 1845	66
To authorize Eliza Holgate to convey real estate for her children, passed March 4, 1845	191
To authorize Robert Noffsinger to construct a dam across the Tuscarawas river, in Tuscarawas county, passed February 19, 1845	115
For the relief of James Blair, passed February 20, 1845	144
To enable the heirs of Martha C. Dudley, to convey certain real estate, passed January 21, 1845	28
For the relief of Isaac Vail, late Sheriff of Belmont county, passed March 20, 1845	337
For the relief of Peter Bailey, of Perry county, passed March 13, 1845	427
For the relief of Matthew Nichol, passed March 12, 1845	400
For the relief of Rowland Rees, passed March 11, 1845	367
For the relief of Wm. H. Beard, of Muskingum county, Ohio, passed March 11, 1845	393
For the relief of Robert W. Mitchell, passed March 12, 1845	395
For the relief of the sureties of Wm. Dawson, as Treasurer of Williams county, passed March 12, 1845	402
Authorizing the personal representatives of Micajah T. Williams, late of Hamilton county, deceased, to complete the contracts of said Williams, made in his lifetime. relative to real estate, and for other purposes, passed March 6, 1845	247
To change the name of Margaret Beckett, and Tamson Lavinia Beckett, passed February 25, 1845	94
For the relief of Jonathan D. Shultz, of Townsend township, in the county of Sandusky, passed March 6, 1845	255
For the relief of Lewis Watson, passed February 28, 1845	143
To confirm the title of John Webster and his assigns, to the east half of the northeast quarter of section number twenty seven, in township number ten, of range number five, east, in the county of Shelby, passed March 1, 1854	150
For the relief of David Witherow, passed March 11, 1845	363
To authorize the executors of Thos. S. Perkins, deceased, to sell and convey certain lands, passed March 11, 1845	366
To authorize the Governor to make a certain Deed, passed February 18, 1845	99

RAILROADS.

To revive and amend an act entitled "an act to incorporate the Columbus, Delaware, Marion and Sandusky Railroad Company," passed February 8, 1832, passed January 21, 1845	33
Further to amend an act and the amendatory acts, to incorporate the Sandusky, Toledo and Michigan City Railroad Company, passed January 23, 1845	40
To incorporate the Canton and Akron Railroad Company, passed February 25, 1845	131
To authorize certain railroad companies herein named, to borrow money. [Madrivier and Lake Erie, and Little Miami.] passed March 1, 1845	146
To incorporate the Wilmington and Toddsfork Railroad Company, passed March 6, 1845	241
To amend the act entitled "an act to incorporate the Wayne and Summit Railroad Company." passed March 6, 1845	266

RAILROADS—Continued.

To incorporate the Cleveland and Hudson Railroad Company, passed March 4, 1845	225
To incorporate the Dayton and Little Miami Railroad Company, passed March 4, 1845.....	206
To authorize the Little Miami Railroad Company to locate the line of said railroad between Xenia, in Greene county, and Springfield, in Clark county, on the most suitable and practicable route, passed March 4, 1845	233
To authorize an extension of the capital of the Mansfield and Sandusky City Railroad Company, and for other purposes, passed March 6, 1845	274
To incorporate the Madriver and Great Miami Railroad Company, passed March 6, 1845.....	249
To incorporate the Belpre and Cincinnati Railroad Company, passed March 8, 1845	280
To revive and amend the act entitled "an act to incorporate the Columbus, Delaware, Marion and Upper Sandusky Railroad Company," passed March 8, 1845.....	300
To amend the act entitled "an act to incorporate the Columbus and Xenia Railroad Company," passed March 12, 1844, passed March 8, 1845.....	309
To revive and amend the act entitled "an act to incorporate the Cleveland and Pittsburg Railroad Company," passed March 14, 1836, passed March, 11 1845.....	401
To incorporate the Columbus and Lake Erie Railroad Company, passed March 12, 1845	415
To incorporate the Franklin and Ohio River Railroad Company, passed March 12, 1845.....	419
To revive the act entitled "an act to incorporate the Venice and Margaretta Railroad Company, passed March 12, 1845.....	381
To revive the act entitled "an act to incorporate the Cleveland, Columbus and Cincinnati Railroad Company, passed March 12, 1845	405

RELIGIOUS ASSOCIATIONS.

To incorporate the Calvinistic Book Concern, passed January 11, 1845.....	16
To incorporate the Ohio Baptist Book and Tract Society, passed February 3, 1845.....	56
To incorporate the Ohio Baptist Education Society, passed February 10, 1845.....	86
To incorporate the Putnam Union Sunday School Depository, in Muskingum county, passed March 4, 1845.....	205

SAVINGS INSTITUTIONS.

To amend the act entitled "an act to incorporate the Cincinnati Savings Institution," passed January 29, 1845	43
To amend the act entitled "an act to incorporate the Mechanics' Savings Institution, of Columbus, Ohio," passed March 17, 1838, passed March 6, 1845	253
To repeal the act amending the act incorporating the Cincinnati Savings Institution, passed January 29, 1845, passed March 12, 1845.....	384

SCHOOLS.

For the relief of the Mount Pleasant Boarding School, passed March 12, 1845.....	398
For the support and better regulation of Common Schools, in the city of Columbus, passed February 3, 1845.	57
To incorporate the Vermillion Institute, passed March 4, 1845.....	229
To regulate Common Schools in the township of Portland, in the county of Erie, passed March 6, 1845.	285
To incorporate the Cottage Hill Academy, in Ellsworth, in the county of Trumbull, passed March 8, 1845.....	289
To incorporate the Normal High School, of Carroll county, passed March 8, 1845.....	292
For the relief of School District No. 10, in Sugarcreek township, Greene county, passed March 10, 1845.....	334
To incorporate the London Academy, in the county of Madison, passed March 12, 1845.....	384
To incorporate the West Jefferson Academical Institute, in the county of Madison, passed March 12, 1845.....	409

SCHOOL LANDS.

To authorize the trustees of Liberty township, in the county of Seneca, to lease school section 16, in said township, passed January 9, 1845.....	12
To authorize the sale of the east half of the northwest quarter of section No. 15, in township No. 16, of range 19, Refugee tract, for the use of schools for the township of Liberty, in Fairfield county, and the townships of Harrison and Union, in the county of Licking, passed January 21, 1845.	30
To authorize the sale of school section No. 16, of township 7, north, range 8, east, in Swancreek township, in the county of Lucas, passed January 23, 1845 ..	39
To authorize the trustees of the original surveyed township No. 3, in the 11th range, in Meigs county, to lease, permanently, certain school lands in the counties of Athens and Meigs, passed January 23, 1845.....	38
To authorize the sale of school section No. 16, township 9, south, range 4, east, in Amboy township, in the county of Lucas, passed January 27, 1845	41
To authorize the sale of the west half of section 20, township 18, range 20, lying in Congress township, Richland county, belonging to fractional township No. 14, range 21, in the county of Marion, for the use of schools in said fractional township, passed January 31, 1845.....	48
To amend an act entitled "an act to authorize the sale of the east half of the northwest quarter of section No. 15, in township No. 16, of range 19, Refugee tract, for the use of schools, for the township of Liberty, Fairfield county, and the townships of Harrison and Union, in the county of Licking," passed January 21, 1845, passed March 6, 1845.....	236
To authorize the treasurer of Wood county to buy in, for the State of Ohio, certain lots of land, in school section 16, in township 1, in the Twelve Mile Reserve, in Lucas county, passed February 27, 1845....	176

SCHOOL LANDS—*Continued.*

To authorize the sale of school section 16, in township 21, range 20, in Richland county, belonging to a fractional part of Sugarcreek township, Stark county, for school purposes, passed March 3, 1845	224
To authorize the sale of the southwest quarter of section 10, township 21, and range 20, and the southeast quarter of section 9, township 21, and range 20, belonging to a fractional part of Saltcreek township, in Holmes county, for school purposes, passed March 4, 1845	221
To authorize the sale of school section 16, in the original surveyed township 14, of range 14, in the counties of Perry, Morgan and Muskingum, passed March 4, 1845	205
To authorize the sale of school section 16, in Sugarcreek township, in the county of Putnam, passed February 28, 1845	169
To authorize the sale of school section No. 16, Townsend township, in the county of Sandusky, passed February 18, 1845	115
To authorize the sale of school section No. 16, in Milford township, in the county of Williams, passed February 18, 1845	99
To authorize the sale of school section 16, in township 7, north, range 4, east, in Brady township, in the county of Williams, passed February 25, 1845	140
To authorize the sale of school section 16, in township 5, range 15, in Sandusky township, in Sandusky county, passed February 26, 1845	126
To enable Amos Dye and Charles Atkinson, to surrender their leases to certain school lands, passed February 26, 1845	120
To amend an act entitled "an act to authorize the revaluation of school section 16, in Riley township, Sandusky county, and to authorize the lessees to surrender their leases, and receive deeds of purchase," passed March 26, 1841, passed March 1, 1845	146
To authorize the sale of school section 16, in Greene township, Hamilton county, Ohio, passed February 28, 1845	143
To provide for releasing Ministerial section 29, and school section 16, in Homer township, Athens county, passed March 6, 1845	270
To authorize the sale of school section No. 16, township 7, north, range 5, east, in German township, in the county of Lucas, passed February 28, 1845	170
To authorize the sale of the southwest quarter of section No. 11, township No. 21, and range No. 20, belonging to a fractional part of Paint township, in Holmes county, for school purposes, passed March 8, 1845	325
To authorize the sale of school section 16, in Pulaski township, in the county of Williams, and for the sale of section 16, of original surveyed township No. 15, in Washington township, Marion county, March 10, 1845	357
To authorize the lessees of school section 16, in Perry township, Gallia county, to surrender their leases and receive deeds, passed March 11, 1845	367
To amend the act to authorize the sale of school section 16, in the township of Chatfield, Crawford county, passed March 5, 1842, passed March 12, 1845	407
To authorize the trustees of original surveyed township 5, in range 4, of the county of Belmont, to lease a part of section 16, in said township, passed March 12, 1845	397

SCHOOL LANDS—Continued.

To authorize the sale of section 16, in township 5, south, range 3, east, in Centre township, in Mercer county, passed January 15, 1845.....	18
To authorize the sale of section 16, in Blanchard township, Putnam county, and to legalize certain proceedings of the trustees of said township, passed January 7, 1845.....	9
To authorize the sale of section 16, in Tiffin township, Williams county, passed February 18, 1845.....	92
To authorize the sale of section 16, Riley township, Putnam county, and to legalize certain proceedings of the trustees of said township, passed January 15, 1845.....	22
To authorize the sale of the northeast quarter of section 16, in township 4, range 5, in Monroe county, passed March 10, 1845.....	343
To authorize the sale of section 16, in Washington township, Allen county, passed February 26, 1845.....	124
To authorize the sale of section 16, in 5th township, and 5th range, in Monroe county, passed March 11, 1845.....	364
To authorize the lessees of section 16, township 4, range 17, in York township, in the county of Sandusky, to surrender their leases and take deeds, February 26, 1845.....	125
To authorize the sale of school section 16, in township 4, north, range 3, east, in Delaware township, in the county of Williams, passed February 25, 1845.....	256
To amend the act entitled "an act to authorize the sale of the northeast quarter of Section 8, in township 3, of range 12, in Meigs county," passed March 5, 1844, passed March 10, 1845.....	344
To authorize the reappraisement of the west half of the southwest quarter of Section No. 15, in township No. 16, range 18, Refugee tract, lying and being in the county of Fairfield, passed March 11, 1845.....	372
To amend the act, passed February 26, 1840, entitled "an act to authorize the sale of the northwest quarter of Section 27, township 19, range 18; and the northwest quarter of Section 32, of township 19, range 19; and the southeast quarter of Section 28, of township 19, range 19, in Richland county, belonging to fractional township No. 18, in ranges 18 and 19, in Knox county," passed February 26, 1845.....	128

STATE ROADS.

To change the location of a portion of the state road, leading from Rossville to the mouth of the Great Miami River, passed December 24, 1844.....	4
To lay out and establish a graded state road, from Harmar, in the county of Washington, by way of Plymouth, in said county, to Athens, in Athens county, passed December 30, 1845.....	6
To authorize the commissioners of Wood county to construct so much of the state road, leading from Perrysburg, in Wood county, to Bucyrus, in Crawford county, commonly called the McCutchen-ville Road, as lies between Indiana Avenue, in said Perrysburg, and the south line of township 5, north, of range 12, in Wood county, and to levy a tax to pay for the same, passed January 31, 1845.....	52

STATE ROADS—*Continued.*

Establishing certain graded state roads in Athens and Meigs counties, passed March 8, 1845.....	294
To provide for the better regulation and improvement of the Moravian state road, from Cadiz, in Harrison county, to Uhrichsville, in Tuscarawas county, passed March 8, 1845.....	297
To revive an act entitled an act to lay out and establish a state road in the counties of Monroe and Washington, passed March 10, 1845.....	344
To provide for the preservation and repair of the road from Columbus to Sandusky City, passed March 12, 1845.....	388
To lay out and establish a state road in the counties of Hardin, Logan and Shelby, passed March 12, 1845.....	389
To lay out and establish a state road in the counties of Henry and Paulding, passed February 10, 1845.....	70
To lay out and establish a state road in the counties of Coshocton and Knox, February 18, 1845.....	100
To lay out and establish a state road in the counties of Vanwert and Paulding, passed February 26, 1845.....	126
To lay out and establish a state road in the counties of Wayne and Summit, passed February 26, 1845.....	129
To amend the act entitled "an act creating a commissioner for the graded state road leading from Chandlersville in Muskingnm county, through Morgan county to Coal Run, in Washington county," passed December 30, 1843, February 25, 1845.....	166
To lay out and establish a graded state road in the counties of Washington, Athens and Meigs, passed March 6, 1845.....	275
To amend an act entitled "an act to lay out a state road in the counties of Franklin and Fairfield, and to extend the state road heretofore established on the line between the counties of Fairfield and Pickaway, and Fairfield and Franklin," passed March 11, 1843, passed March 4, 1845.....	231
To provide for the repair of the state road leading from Greenville in Darke county, to Recovery in Mercer county, and thence to Willshire in Vanwert county, and for other purposes, passed March 4, 1844.....	219
To provide for the better improvement of the Lima and Findlay state road, passed February 28, 1845.....	177
To lay out establish a state road in the counties of Holmes and Wayne, passed February 27, 1845.....	169
To lay out and establish a state road in the counties of Pickaway and Ross, passed February 26, 1845.....	128
To impose additional taxes for the benefit of certain roads therein named, passed March 11, 1845.....	372

TOWNS.

To amend an act to incorporate the town of Moorfield, in Harrison county, passed March 16, 1838, passed January 15, 1845.....	21
To amend an act entitled "an act to incorporate the city of Cleveland," passed December 21, 1844.....	3
To incorporate the town of Dublin, in the county of Franklin, passed January 31, 1845.....	48

TOWNS—Continued.

To extend the corporate limits of the town of Sidney, in Shelby county, passed February 3, 1845.....	54
To incorporate the town of Midway, in the county of Madison; the town of Harlem, in Carroll county, and the town of New Madison, in Darke county, passed February 10, 1845....	69
To incorporate the town of New Westville, in the county of Preble; and the town of Waldo, in the county of Delaware, passed February 10, 1845.....	72
To amend the several acts incorporating the town of Portsmouth, in the county of Scioto, passed February 10, 1845.....	89
Further to amend the act entitled "an act to incorporate the town of Elyria, in the county of Lorain," passed February 25, 1833, passed February 10, 1845.....	73
To amend the act incorporating the town of Cambridge, in the county of Guernsey, passed March 13, 1837, passed February 10, 1845	91
Supplementary to an act to incorporate the city of Chillicothe, passed March 14, 1838, passed February 26, 1845	122
To amend an act entitled "an act to incorporate the town of Akron, in the county of Portage, passed March 12, 1836, passed February 26, 1845.....	125
To amend the act entitled "an act to incorporate the town of Pekin, in the county of Carroll," passed March 1, 1845	154
To amend an act, passed February 26, 1840, entitled "an act to amend an act entitled an act to incorporate the town of Cuyahoga Falls," passed March 5, 1836, passed February 27, 1845.....	145
To incorporate the city of Sandusky, in Erie county, and for other purposes, passed March 6, 1845.....	257
To grant certain powers to the town council of the town of Xenia, passed March 6, 1845.....	267
To amend the act, passed January 20, 1838, entitled "an act to amend the act entitled an act to incorporate the town of Gallipolis, in the county of Gallia," passed February 17, 1808, and the several acts amendatory to the same, and to alter the corporate limits of said town, passed March 6, 1845.....	329
To repeal the act entitled "an act to repeal the charter of the town of Findlay," passed March 13, 1843, and to declare in force the act incorporating said town, passed March 17, 1838, passed March 4, 1845.....	195
Supplementary to the act entitled "an act further to amend the act entitled an act to incorporate the town of Portsmouth, in the county of Scioto," passed March 16, 1838, passed March 4, 1845....	173
To incorporate the town of Mt. Vernon, in Knox county, passed February 26, 1845.....	160
To amend an act defining the limits of the corporation of the town of Zanesville, passed January 26, 1818, passed March 4, 1845..	223
To amend the act entitled "an act to incorporate the town of Millersburg, in Holmes county," passed February 17, 1835, passed February 28, 1845.....	182
To authorize the mayor and town council of the town of Piqua, in Miami county, to cause the lots in said town to be renumbered, passed February 27, 1845.....	170
To amend an act to incorporate the town of Huron, now of the county of Erie, passed March 8, 1845.....	296

TOWNS—Continued.

To amend the act to incorporate the town of Warren, in the county of Trumbull, passed March 8, 1845.....	313
To amend an act entitled an act to incorporate and establish the city of Dayton, passed March 27, 1841, passed March 10, 1845.....	340
To amend the act entitled an act to incorporate the town of Germantown, in the county of Montgomery, passed March 10, 1845.....	351
To amend the act entitled an act to incorporate the city of Toledo, passed January 7, 1837, passed March 10, 1845.....	350
To amend the act entitled an act to incorporate town of Perrysburg, passed February 9, 1833, and the several acts amendatory thereto, passed March 10, 1845.....	342
To authorize the corporation of the town of Portsmouth, Scioto county, to grant licenses, passed March 10, 1845.....	352
To authorize the city of Cleveland to appoint inspectors of provisions and other articles, passed February 10, 1845.....	83
To reduce the territorial limits of the corporation of Middlebury, in the county of Summit, passed February 10, 1845.....	86
To authorize the city of Cincinnati to erect a house of correction, passed March 12, 1845.....	393
To change the name of Tylerville, in Greene county, passed March 11, 1845.....	360
To divide the town of Hudson, in the county of Summit, into two school districts, passed March 11, 1845.....	368
To attach a certain territory to the city of Columbus, for school purposes, passed March 12, 1845.....	404
Supplementary to an act to increase the number of trustees and directors of common schools, in the city of Cincinnati, and for other purposes, passed March 7, 1837, passed March 12, 1845.....	413
For the more effectual relief of the poor, in the city of Cincinnati, passed February 27, 1845.....	166
To authorize the town council of the town of Perrysburg, to subscribe to the capital stock of the Perrysburg canal and Hydraulic company, and to levy a tax to pay the annual interest, and for the final redemption of bonds so issued, passed February 26, 1845....	133
To authorize the common council of the town of Piqua to appoint an inspector of flour and whisky, passed March 8, 1845.....	291
To incorporate the town of Marysville, in the county of Union, and to repeal all acts now in force in relation thereto, passed March 11, 1845.....	369
To amend an act to incorporate and establish the city of Cincinnati, and for revising all laws and parts of laws heretofore enacted on that subject, passed March 1, 1834, and also to amend all subsequent acts which may conflict with this act, passed March 11, 1845.....	355
To authorize the town of Painesville, and the town of Norwalk, to levy a tax for the benefit of common schools therein, passed March 12, 1845.....	379
To amend the act entitled an act to incorporate the town of New Philadelphia, passed February 12, 1833, passed March 12, 1845.....	392
To authorize the city of Cleveland to subscribe to stock in a plank road from Cleveland to Wooster, passed March 12, 1845....	403
To incorporate the towns therein named, passed 12, 1845.....	412

TOWNSHIPS.

To amend the act entitled an act to establish grades and enforce the paving and McAdamizing of streets, roads, lanes and alleys, in the southern part of Millcreek township, Hamilton county, Ohio, passed March 6, 1844, passed March 11, 1845.....	382
To amend an act entitled "an act to amend the act entitled an act to divide the township of Millcreek, in the county of Hamilton, into election districts," passed March 4, 1844, passed March 6, 1844..	239
For the relief of the township of Hocking, in the county of Fairfield, passed March 10, 1845.....	353
To authorize the trustees of the township of Brooklyn, in Cuyahoga county, to erect a poorhouse, passed March 4, 1845.....	199
To abolish the offices of trustee and treasurer of the sixth original surveyed township, in the ninth range, in Morgan county, passed February 26, 1845	142
To authorize the county commissioners of Delaware county to alter the boundaries of certain townships in Delaware county, passed January 15, 1845	18
To divide the township of Scioto, in Ross county, into two election districts, passed March 8, 1845.....	293

TURNPIKES.

To incorporate the Millville, Reily and Milton turnpike company, passed January 7, 1845.....	7
To amend an act entitled "an act to incorporate the Dayton and Madriver Valley turnpike road company," passed February 15, 1844, passed December 30, 1844	6
To amend the charter of the Marietta and Newport turnpike road and bridge company, passed January 21, 1845.....	31
To authorize the county commissioners of Wood county to purchase that part of the Perrysburg, Findlay and Kenton turnpike road which lies in Wood county, and to levy a tax to pay for the same, passed January 21, 1845	36
To incorporate the Summerville and Jacksonburg turnpike road company, passed January 21, 1845.....	29
To incorporate the Dayton and Germantown turnpike road company, passed January 21, 1845	34
To incorporate the Hamilton and Jacksonburg turnpike road company, passed February 3, 1845.....	55
To incorporate the Chillicothe and Washington turnpike road company, passed February 10, 1845.....	84
To incorporate the Urbana and Loudonville turnpike road company, passed February 10, 1845.....	71
To incorporate the Butler and Preble county turnpike road company, passed February 10, 1845.....	81
To amend the act entitled "an act to incorporate the Oxford and College Corner turnpike road company," passed January 29, 1844, passed February 10, 1845.....	68
To amend the act entitled "an act to incorporate the Trumbull and Ashtabula turnpike road company," passed February 10, 1845	90
To incorporate the Madriver, Urbana and Kenton turnpike road company, passed February 18, 1845.....	94

TURNPIKES—Continued.

To amend the act entitled "an act to incorporate the Troy and Stillwater turnpike road company, passed February 18, 1845	92
To incorporate the Amanda and Miltonville turnpike road and bridge company, passed February 18, 1845.....	96
To incorporate the West Alexandria and Euphemia turnpike road company, passed February 19, 1845.	103
To amend the act incorporating the Fairfield, Yellow Springs and Clifton turnpike road company, passed March 1, 1845	155
To amend the act entitled "an act to incorporate the Dayton, Xenia and Washington turnpike road company," passed January 29, 1844, passed March 1, 1845.....	116
To amend the act entitled "an act to incorporate the Dayton and Germantown turnpike road company," passed March 6, 1845..	248
To amend the act entitled "an act to amend the act incorporating the Wayne, Medina and Cuyahoga turnpike company," passed February 19, 1844, passed February 27, 1845	167
To amend the act entitled "an act to incorporate the Maumee and Indiana turnpike road company," passed April 3, 1837, passed March 4, 1845	202
To incorporate the Xenia and Springfield turnpike road company, passed March 4, 1845.....	221
To incorporate the Greenville and Euphemia turnpike road company, passed March 4, 1845	197
To empower the Goshen, Wilmington and Columbus turnpike company to sell a portion of said turnpike, passed February 28, 1845.	174
To amend the act entitled "an act to incorporate the Republic and Bucyrus turnpike road company," passed February 28, 1845	172
To amend the act entitled "an act to incorporate the Columbus, Winchester, Jefferson and Carroll turnpike road company," passed March 25, 1841, passed February 28, 1845.....	171
To incorporate the Dayton and Xenia turnpike company, passed February 28, 1845.....	183
To incorporate the Rochester, Osceola and Martinsville turnpike company, passed March 8, 1845	315
To incorporate the Stillwater turnpike road company, passed March 8, 1845.	278
To incorporate the Byron, Yellow Springs and Clifton turnpike road company, passed March 8, 1845.....	302
To incorporate the Columbus and Sandusky turnpike and plank road company, passed March 8, 1845.....	271
To repeal so much of an act entitled "an act to incorporate the Portsmouth and Columbus turnpike company," passed February 7, 1831, as makes Bloomfield a point on said road, passed March 8, 1845..	288
To incorporate the Dayton and Brant turnpike road company, passed March 8, 1845	284
To incorporate the Columbus and Dublin turnpike company, passed March 10, 1845.....	353
To incorporate the Washington, Jeffersonville and Charleston turnpike company, passed March 10, 1845.....	350
To amend the charter of the Hamilton, Rossville, Darrrtown, Oxford and Fairhaven turnpike company, passed March 11, 1845	403

TURNPIKES—Continued.

To amend an act entitled "an act to incorporate the Dayton and Mad River Valley turnpike road company," passed March 13, 1843, and an act entitled "an act to incorporate the Mad River Valley, Urbana and Kenton turnpike road company," passed the 18th day of February, 1845, passed March 12, 1845.....	374
To incorporate the Princeton, Trenton and Miltonville turnpike road company, passed March 12, 1845.....	390
To amend the act to provide for the improvement of the Western Reserve and Maumee road, passed March 14, 1838, passed March 11, 1845	359
To authorize Alfred P. Edgerton to construct a road from Hicksville, in the county of Williams, to the Maumee River, in the county of Paulding, passed January 15, 1845.....	19

TURNPIKES, FREE.

To lay out and establish a free turnpike road in the county of Gallia, passed January 21, 1845.....	22
To lay out and establish a free turnpike road from the Madriver and Lake Erie Railroad, in the county of Hardin, to the county of Vanwert, passed January 9, 1845.....	10
To establish a free turnpike road on the line of the State road from Lower Sandusky, in Sandusky county, to Findlay, in Hancock county, passed February 10, 1845.....	77
To lay out and establish a free turnpike road in the county of Shelby passed March 1, 1845.....	185
To lay out and establish a free turnpike road from Napoleon, in the county of Henry, to Bryan, in the county of Williams, passed March 1, 1845	150
To lay out and establish a free turnpike road from the town of Fairhaven, in the county of Gallia, to the town of Jackson, in the county of Jackson, passed February 28, 1845.....	178
To lay out and establish a free turnpike road from Martinstown, in the county of Hancock, through Mt. Blanchard, to Careytown, in the the county of Wyandott, passed March 4, 1845.....	213
To lay out and establish a free turnpike road from Ottawa, in the county of Putnam, to Samuel Myers' mill on the Auglaize river, passed March 4, 1845	216
To establish a free turnpike road from Sidney, in Shelby county, to West Liberty, in Logan county, passed March 4, 1845	235
To amend an act to lay out and establish a free turnpike road from Lima, in Allen county, to Defiance, in Williams county, passed March 4, 1845.....	237
To lay out and establish a free turnpike road from Columbus Grove, in the county of Putnam, to the Miami Extension Canal, passed March 4, 1845.....	188
To establish a free turnpike road in the counties of Allen and Shelby, passed March 4, 1845.....	203
To lay out and establish a free turnpike road from Kenton, in Hardin county, to a point intersecting the Bellefontaine, Lima and Vanwert free turnpike road, at the farm of James McGinis, passed March 4, 1845.....	211

TURNPIKES, FREE—Continued.

To amend the act entitled "an act to establish a free turnpike road from Bellefontaine, in the county of Logan, to the Indiana State line," passed February 28, 1845.....	181
To establish a free turnpike road in the county of Shelby, passed February 27, 1845.....	171
To amend an act entitled "an act to lay out and establish a free turnpike road from Van Buren, in the county of Hancock, to the south line of Lucas county," passed March 5, 1844, passed March 8, 1845.....	290
To lay out and establish a free turnpike road from Ridenour's Mill, in the county of Putnam, to a point near Defiance, in the county of Williams, passed March 8, 1845.....	276
To amend the act to lay out and establish a free turnpike road from Findlay, in Hancock county, to Kalida, in Putnam county, passed March 8, 1845.....	289
To lay out and establish a free turnpike road from Lima, in the county of Allen, to the Miami Extension Canal, in the county of Putnam, passed March 8, 1845.....	286
To amend the act entitled "an act to establish a free turnpike from Columbus, in the county of Franklin, to Bellefontaine, in the county of Logan," passed March 4, 1844, passed March 8, 1845.....	286
To lay out and establish a free turnpike road in the counties of Fayette and Madison, passed March 10, 1845.....	347
To lay out and establish a free turnpike road from Toledo, in Lucas county, to Woodville, in Sandusky county, passed March 10, 1845.....	326
To lay out and establish a free turnpike road from South Otsego, on the Maumee river, to the north line of the county of Hancock, passed March 10, 1845.....	335
To lay out and establish a free turnpike road from Maumee City to Sylvania, in Lucas county, passed March 11, 1845.....	377
To amend an act entitled "an act to lay out and establish a free turnpike road from Lebanon to Hopkinsville, in Warren county," passed March 11, 1845.....	571
To amend an act entitled "an act to establish a free turnpike road from Ottawa, in the county of Putnam, to the Indiana State line, in the county of Williams," passed March 13, 1843, passed March 12, 1845.....	407
To amend an act entitled "an act to lay out and establish a free turnpike road from Kalida, in Putnam county, to Napoleon, in Henry county, and to the Michigan State line," passed March 4, 1844, passed March 12, 1845.....	428
To lay out and establish a free turnpike road from Ottawa, in the county of Putnam, to Napoleon, in the county of Henry, passed March 12, 1845.....	386

UNIVERSITIES.

To incorporate the Fort Meigs University, passed February 10, 1845.....	80
To incorporate the trustees of the Protestant University of the United States, passed March 10, 1845.....	338

RESOLUTIONS.

A

Asylums and Humane Institutions, relative to a grant of lands to	434
Arms of the State destroyed in the dwelling house of A. Ordeway, relative to	439
Adams, John Quincy, rescinding certain resolutions in relation to	444
Auditors, State and County, imposing certain duties on	448

B

Barnett, Hall and Co., and Ellis Ayers, relative to the claim of	454
Blind Asylum, appointing M. J. Gilbert a Trustee of	464
Burdell, William, relative to the contract of	459

C

Claims, providing for the payment of in the general appropriation bill	436
Clermont county, relative to furnishing laws to	438
Convicts, relative to the moral and religious instruction of	446
Certain claims, providing for	449
Clerk U. S. District Court, granting him the use of the State Library	449
Chemical apparatus of the State of Ohio, relative to	450
Chaplains of the General Assembly, resolution of thanks to	457
Claims, to provide for the payment of certain persons therein named	458
Claims, to provide for the payment of certain claims	460

D

Delinquent taxes, authorizing the Treasurer of State to receive, up to a certain period	441
Defiance county, relative to furnishing laws to	447
Defiance county, relative to furnishing a certain law to	450
Donalson and Allen, relative to the claims of	449
Donaldson, Luther, relative to an appropriation to	438
Deaf and Dumb Asylum, appointing directors for	465

F

Fund Commissioners, appointing a committee of investigation	458
---	-----

G

Griswold, Hiram, appointing as Reporter	431
Gaines, Charles K., relative to his admission into the Blind Asylum	432
Goshen, Wilmington and Columbus Turnpike Company, relative to examining the affairs of	451

H

Historical and Philosophical Society of Ohio, granting them the use of certain rooms	432
Huber, Peter, relative to his admission into the Lunatic Asylum.....	439
Historical Society of New York, relative to.....	441
Hocking county, relative to furnishing certain laws to.....	445
Harmar, for constructing culvert, &c., in the town of.....	453

I

Indexes. Directing the Clerks of the two Houses to prepare.....	462
---	-----

J

Judicial Courts. Directing the printing and distributing in advance of a certain law, &c.....	457
---	-----

L

Libraries, &c., relative to furnishing Reports of the U. S. Court to.....	438
Literary Institutions, relative to furnishing certain laws, &c., to (rescinded)	440
Lock No. 20, south of Licking Summit, relative to the location of.....	442
Laws, Journals and Documents, for the preservation of.....	452
Lunatic Asylum, appointing a director of.....	458
Library, relative to.....	463

M

Marine Hospital, at Cleveland, relative to.....	435
Monroe county, relative to furnishing laws to.....	438
Morgan county, relative to furnishing laws to.....	438
Miami University, appointing trustees for	442
Moore, John, relative to the claim of	464

N

Naturalization laws of the United States, in relation to.....	429
National Road, relative to.....	430
National Road, relative to the completion of, in this State.....	434
New York Canals, relative to discriminating tolls on	455

O

Oregon Territory, relative to.....	434
Old Penitentiary Lot, relative to.....	442
Oculist for the Blind Asylum, authorizing the employment of an.....	451
Ohio Railroad Company, providing for the sale of the property of	461

P

Presidential Elections, in relation to making the time uniform throughout the Union	429
Postage, relative to the reduction of	430
Postage of members, relative to	430

P

Pike county, relative to furnishing certain books to	431
Paulding county, relative to furnishing certain books to	436
Postage bill, requesting our Representatives in Congress to vote for.....	441
Pike county, relative to certain statutes for the use of.....	446
Purdy, James, relative to the claim of	453
Public Buildings, directing the State Librarian to take charge of.....	459
Public Works, board of, appointing an investigating committee.....	463

R

Reports of Public Institutions, relative to.....	451
Riparian proprietors, relative to the rights of.....	456

S

Summit County, relative to furnishing certain laws to.....	443
Stetler, Benjamin, providing for the discontinuance of the suit against.....	446
South Fork Feeder, in Licking county, relative to the construction of.....	447
School Lands, Virginia Military District, appointing James Smart Register of, at Mansfield	450

T

Treasurers. Relative to certain acts relating to County Treasurers.....	431
Thornton, George, relative to his admission into the Blind Asylum	435
Texas, relative to the annexation of.....	437
Thomas, H., alias Thomas Dean, authorizing the Governor to offer a re- ward for the apprehension of.....	440
Tax law, to provide for the printing and distributing of extra copies of....	455
Thanksgiving, requesting the Governor to appoint a day of	457
Taylor, P. W. and company, relative to the contract of	464

U

United States' laws, relative to the distribution of.....	463
---	-----

V

Vanwert county, relative to furnishing with certain books, &c.....	445
Vattemare, Alexander, relative to furnishing certain laws &c., to.....	448

W

Western Reserve and Maumee Road Lands, in relation to	433
Wyandott county, relative to furnishing certain laws to.....	443
Whipple, Levi, relative to damages sustained by.....	460

STATE ROADS—*Continued.*

Establishing certain graded state roads in Athens and Meigs counties, passed March 8, 1845.....	294
To provide for the better regulation and improvement of the Moravian state road, from Cadiz, in Harrison county, to Uhrichsville, in Tuscarawas county, passed March 8, 1845.....	297
To revive an act entitled an act to lay out and establish a state road in the counties of Monroe and Washington, passed March 10, 1845.....	344
To provide for the preservation and repair of the road from Columbus to Sandusky City, passed March 12, 1845.....	388
To lay out and establish a state road in the counties of Hardin, Logan and Shelby, passed March 12, 1845.....	389
To lay out and establish a state road in the counties of Henry and Paulding, passed February 10, 1845.....	70
To lay out and establish a state road in the counties of Coshocton and Knox, February 18, 1845.....	100
To lay out and establish a state road in the counties of Vanwert and Paulding, passed February 26, 1845.....	126
To lay out and establish a state road in the counties of Wayne and Summit, passed February 26, 1845.....	129
To amend the act entitled "an act creating a commissioner for the graded state road leading from Chandlersville in Muskingnm county, through Morgan county to Coal Run, in Washington county," passed December 30, 1843, February 25, 1845.....	166
To lay out and establish a graded state road in the counties of Washington, Athens and Meigs, passed March 6, 1845.....	275
To amend an act entitled "an act to lay out a state road in the counties of Franklin and Fairfield, and to extend the state road heretofore established on the line between the counties of Fairfield and Pickaway, and Fairfield and Franklin," passed March 11, 1843, passed March 4, 1845.....	231
To provide for the repair of the state road leading from Greenville in Darke county, to Recovery in Mercer county, and thence to Willshire in Vanwert county, and for other purposes, passed March 4, 1844.....	219
To provide for the better improvement of the Lima and Findlay state road, passed February 28, 1845.....	177
To lay out establish a state road in the counties of Holmes and Wayne, passed February 27, 1845.....	169
To lay out and establish a state road in the counties of Pickaway and Ross, passed February 26, 1845.....	128
To impose additional taxes for the benefit of certain roads therein named, passed March 11, 1845.....	372

TOWNS.

To amend an act to incorporate the town of Moorfield, in Harrison county, passed March 16, 1838, passed January 15, 1845....	21
To amend an act entitled "an act to incorporate the city of Cleveland," passed December 21, 1844.....	3
To incorporate the town of Dublin, in the county of Franklin, passed January 31, 1845.....	48

TOWNS—Continued.

To extend the corporate limits of the town of Sidney, in Shelby county, passed February 3, 1845.....	54
To incorporate the town of Midway, in the county of Madison; the town of Harlem, in Carroll county, and the town of New Madison, in Darke county, passed February 10, 1845.....	69
To incorporate the town of New Westville, in the county of Preble; and the town of Waldo, in the county of Delaware, passed February 10, 1845.....	72
To amend the several acts incorporating the town of Portsmouth, in the county of Scioto, passed February 10, 1845.....	89
Further to amend the act entitled "an act to incorporate the town of Elyria, in the county of Lorain," passed February 25, 1833, passed February 10, 1845.....	73
To amend the act incorporating the town of Cambridge, in the county of Guernsey, passed March 13, 1837, passed February 10, 1845.....	91
Supplementary to an act to incorporate the city of Chillicothe, passed March 14, 1838, passed February 26, 1845.....	122
To amend an act entitled "an act to incorporate the town of Akron, in the county of Portage, passed March 12, 1836, passed February 26, 1845.....	125
To amend the act entitled "an act to incorporate the town of Pekin, in the county of Carroll," passed March 1, 1845.....	154
To amend an act, passed February 26, 1840, entitled "an act to amend an act entitled an act to incorporate the town of Cuyahoga Falls," passed March 5, 1836, passed February 27, 1845.....	145
To incorporate the city of Sandusky, in Erie county, and for other purposes, passed March 6, 1845.....	257
To grant certain powers to the town council of the town of Xenia, passed March 6, 1845.....	267
To amend the act, passed January 20, 1838, entitled "an act to amend the act entitled an act to incorporate the town of Gallipolis, in the county of Gallia," passed February 17, 1808, and the several acts amendatory to the same, and to alter the corporate limits of said town, passed March 6, 1845.....	329
To repeal the act entitled "an act to repeal the charter of the town of Findlay," passed March 13, 1843, and to declare in force the act incorporating said town, passed March 17, 1838, passed March 4, 1845.....	195
Supplementary to the act entitled "an act further to amend the act entitled an act to incorporate the town of Portsmouth, in the county of Scioto," passed March 16, 1838, passed March 4, 1845.....	173
To incorporate the town of Mt. Vernon, in Knox county, passed February 26, 1845.....	160
To amend an act defining the limits of the corporation of the town of Zanesville, passed January 26, 1818, passed March 4, 1845.....	223
To amend the act entitled "an act to incorporate the town of Millersburg, in Holmes county," passed February 17, 1835, passed February 28, 1845.....	182
To authorize the mayor and town council of the town of Piqua, in Miami county, to cause the lots in said town to be renumbered, passed February 27, 1845.....	170
To amend an act to incorporate the town of Huron, now of the county of Erie, passed March 8, 1845.....	296

LITERARY ASSOCIATIONS.

To incorporate the Young Men's Book Association of West Canaan, in the county of Madison, passed February 3, 1845	61
To incorporate the German Library Association, of Cincinnati, passed February 3, 1845	64
To incorporate the New Carlisle Social Library Company and the Library Association of Harlem, in Carroll county, passed February 10, 1845	68
To incorporate the Tallmadge Library Association, in the county of Summit, passed February 10, 1845	70
To incorporate the Miamisburg Library Association, passed March 6, 1845	274
To incorporate the Linton Library Association, of the county of Coshocton, passed March 12, 1845	389
To incorporate certain literary societies, passed March 11, 1845	361

LODGES.

To incorporate the Muskingum Lodge, No. 28, of the Independent Order of Odd Fellows, at Zanesville, Ohio, passed March 6, 1845.	255
To incorporate the Master, Wardens and Brethren, of Mansfield Lodge, No. 35, passed February 27, 1845	172
To incorporate the Piqua Lodge, No. 8, of the Independent Order of Odd Fellows, of the State of Ohio, passed February 25, 1845.	142
To incorporate the Master, Wardens and Brethren, of the Washington Lodge, No. 17, of Hamilton, Ohio, passed February 25, 1845.	141
To incorporate the Olive Branch Lodge, Lodge, No. 34, of the Independent Order of Odd Fellows, of Newark, Ohio, and other Lodges therein named, [these Lodges are, Mahoning Lodge, No. 29, Warren, Trumbull county; Lafayette Lodge, No. 25, Hillsborough, Highland county.] passed February 26, 1845	123
To amend the act entitled "an act to incorporate the Montgomery Lodge, No. 5, of the Independent Order of Odd Fellows, of Dayton, Ohio," passed February 2, 1840, passed March 1, 1845	149
To incorporate the Springfield Lodge, No. 33, of the Independent Order of Fellows, at Springfield, Clark county, passed January 27, 1845	42
To incorporate the Minerva Lodge, No. 98, of Free and Accepted Masons, of Miamisburg, in Montgomery county, passed March 11, 1845	361
To incorporate the Central Lodge, No. 23, of the Independent Order of Odd Fellows, of Columbus, Ohio; and Harmony Lodge, No. 14, of the Independent Order of Odd Fellows, at Rossville, Butler county, passed March 12, 1845	380
To authorize the Master and Wardens of Nova Cesarea Harmony Lodge, No. 2, to borrow money, passed March 11, 1845	373
To incorporate the Wayne Lodge, No. 10, of the Independent Order of Odd Fellows, at Dayton, Ohio, passed March 12, 1845	396

MINISTERIAL LANDS.

To authorize the lessees of Section 29, in the original surveyed township No. 3, and range 3, in Butler county, to surrender their leases and receive deeds, passed January 15, 1845.....	14
To authorize the lessees of Section 29, in township No. 4, in third Range, in Warren county, to surrender their leases, passed January 21, 1845..	28
To authorize the lessees of Section No. 29, in township No. 4, in the Second Range, in Warren county, to surrender their leases and take deeds, passed March 12, 1845.....	406
To authorize the sale of Ministerial Section, No. 29, in Scipio township, in the county of Meigs, passed March 1, 1845,...	155
To provide for releasing Ministerial Section 29, and School Section 16, in Homer township, Athens county, passed March 6, 1845..	270

MISCELLANEOUS ASSOCIATIONS.

To incorporate the Firemen's General Association, of the city of Cleveland, passed February 19, 1845.....	110
To incorporate the Cincinnati Firewood Company, passed January 29, 1845.....	45
To incorporate the trustees and subscribers of the new Orphan's Asylum, for colored children, of Cincinnati, passed February 18, 1845	101
To incorporate the Dayton Hydraulic Company, passed March 1, 1845.....	148
To incorporate the Dayton Water Company, passed March 1, 1845..	152
To incorporate the Dayton Manufacturing Company, passed March 4, 1845	194
To provide for the settlement of the affairs of the Cuyahoga Falls Real Estate Association, passed March 4, 1845.....	222
To incorporate the German Tailor's Benevolent Society, of Cincinnati, passed February 27, 1845.....	175
To incorporate the German Tailor's Trades Union, of Cincinnati, passed February 27, 1845	165
To incorporate the Ohio Iron Manufacturing Company, passed March 6, 1845	330
For the incorporation of the Ohio Division, No. 1, of the Sons of Temperance, passed March 6, 1845.....	261
To incorporate the Royalton Steam Mill Company, in the county of Lucas, passed March 6, 1845.....	265
To incorporate the New England Society, of Cincinnati, passed March 1, 1845	187
To incorporate the Cincinnati Horticultural Society, passed February 27, 1845.....	246
To incorporate the Carrollton Band, of Carroll county, passed March 4, 1845.....	236
To incorporate the German Benevolent Society of Newark, Licking county, passed March 4, 1845.....	218
To incorporate the East Bronson Burial Ground Society, passed March 4, 1845	198
To amend the act entitled "an act to incorporate the Port Washington Manufacturing Company," passed February 14, 1838, passed March 8, 1845.....	304

AN ACT

To amend an act entitled "An act to incorporate the Marietta College."

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio* That it shall be lawful for the board of trustees of Marietta College, at any time hereafter, to increase the number of said board, at their discretion, provided said board shall at no time consist of more than twenty five members.

SEC. 2. That it shall be lawful for said board to prescribe by bylaw, in what manner a quorum for the transaction of business shall be constituted.

SEC. 3. That so much of the act to which this is an amendment, passed the fourteenth day of February, A. D., one thousand eight hundred and thirty five, as may be inconsistent with the provisions of this act, be and the same is hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

December 21, 1844.

AN ACT

To change the location of a portion of the State Road leading from Rossville to the mouth of the Great Miami River.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the state road leading from Rossville, in the county of Butler, to the mouth of the Great Miami River, be and the same is hereby changed from its original location to the ground now used and occupied by said road, from a point on said road, known as the Little Gravel Hill, on the east side of Indian Creek, until it intersects the Colerain, Oxford and Brookville Turnpike, on the west side of said creek.

SEC. 2. That so much of said original road as by this act becomes unnecessary is hereby declared vacated.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

December 24, 1844.

AN ACT

Authorizing the board of Directors of the Steubenville, Cadiz and Cambridge Macadamized Road Company, to relinquish to the Commissioners of Jefferson county the right of way for a Bridge over Cross Creek.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of directors of the Steubenville, Cadiz and Cambridge Macadamized Road Company, or a majority of them, be and they are hereby authorized to make and execute to the commissioners of Jefferson county a relinquishment of any right of way with which, by the act of incorporation of said company, it may be invested for the purpose of enabling said commissioners to construct a bridge over Cross Creek, in said county, and to exercise the necessary ownership in and over the same forever, without hindrance, interference or obstruction on the part of said company; provided, however, that nothing in this act contained shall be so construed as to prohibit said company from constructing a bridge over the said stream, upon any site or place they may select, other than that necessarily occupied, as herein specified, by the said commissioners.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

December 26, 1844.

AN ACT

To amend an act entitled "An act to incorporate the German Protestant Cemetery, of Cincinnati."

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That this act, and the act to which this is an amendment, shall be entitled "an act to incorporate the German Protestant Cemetery Association, of Cincinnati."

SEC. 2. That the board of directors of said association shall consist of one president, two trustees, one treasurer, and one secretary, who shall be elected by the members of said association, annually, on the first Tuesday of May, and no member shall fill any of said offices for more than three years in succession; and all vacancies in any of said offices shall be filled by a vote of the association; the title of all the property of said association, both real and personal, shall be vested in the board of directors, who shall have the management and regulation thereof, and of the business and interests of said association generally, under such regulations as may be prescribed by the bylaws of said association, and such resolutions as may, from time to time, be passed, provided such bylaws and resolutions are in conformity with the laws of this state, and the original articles of said association.

SEC. 3. That all powers granted to the directors of said association by the third and fourth sections of the act to which this is an amendment, shall be granted to said association; and all things required to be done by said

directors by said third and fourth sections of said act, is hereby made the duty of said association to perform.

SEC. 4. That the second section of the act to which this is an amendment, be and the same is hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

December 26, 1844.

AN ACT

To lay out and establish a graded State Road, from Harmar, in the county of Washington, by way of Plymouth, in said county, to Athens, in Athens county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Douglass Putnam and Joseph Barker, of the county of Washington, and Josiah Wilson, of Athens county, be and the same are hereby appointed commissioners, and E. H. Moore, of Athens county, surveyor, to lay out and establish a graded state road, from Harmar, in Washington county, by way of Plymouth, to Athens, in Athens county; said road no where to exceed an angle of five degrees from a horizontal plane; said commissioners shall, in all respects, be governed by the laws now in force in relation to laying out state roads.

SEC. 2. Should a vacancy occur, the commissioners of the county, in which the vacancy shall happen, are hereby required to fill the same as often as such vacancy may occur.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

December 30, 1844.

AN ACT

To amend an act entitled "An act to incorporate the Dayton and Mad River Valley Turnpike Road Company," passed February 15th, 1844.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the third section of an act, passed February fifteenth, one thousand eight hundred and forty four, entitled "an act to amend an act to incorporate the Dayton and Mad River Valley Turnpike Road Company," be and the same is hereby repealed, and all dividends of profits to the holders of stock shall be made amongst all the stockholders alike, in proportion to the amount of stock by them respectively held, whether such stock was origi-

nally subscribed, or was subscribed for the extension, contemplated by said act of February fifteenth, one thousand eight hundred and forty four.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

December 30, 1844.

AN ACT

To amend an act to incorporate the German Catholic Cemetery Association, of Cincinnati.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the name of said corporation is hereby changed from the German Catholic Cemetery Association, to the name of the German Catholic St. Peter's Cemetery Association, of Cincinnati.

SEC. 2. This act to take effect and be in force from and after the passage thereof.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

January 7, 1845.

AN ACT

To incorporate the Millville, Reily and Milton Turnpike Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That John Leffler, James Lewis, Lewis Enyart, Jacob Miller, William Stevens, P. J. B. Welliver, A. L. Deneen, A. G. Smith and Charles Cone of the county of Butler, and their associates, be and they are hereby created a body corporate under the name of the Millville, Reily and Milton Turnpike Company, for the purpose of constructing a road from a point near Millville, to a point on the state line, so as to meet the Milton Turnpike Road, which company shall have all the rights, privileges and powers, and be subject to all the restrictions defined in the act, passed January seventh, one thousand eight hundred and seventeen, and the several acts amendatory thereto, except in so far as the same may be modified or changed in the special provisions of this act.

SEC. 2. The above named commissioners shall have power to commence the construction of said road at a point on the Oxford branch of the Colerain, Oxford and Brookville Turnpike, where the road leading to Brookville leaves, or, at the time of construction, may leave said Oxford branch, from thence up Indian Creek, on the location of said Brookville

road where it is now used, until it intersects the Oxford and Lawrenceburg road; thence up the creek on the route of said Oxford and Lawrenceburg road, until it reaches the east end of the Main street of Reily, near the crossing at Indian Creek; thence along the Main street of Reily, until it intersects the road leading to Dunlapville, Indiana, and from thence to a point on the state line, so as to meet the Milton Turnpike on the nearest and best route that can be procured with the consent of all persons on or through whose premises or lands said road may be constructed, reserving the right to said commissioners to make such alterations between the intermediate points on said route, as they may be able to procure with the consent of all persons on or through whose lands said road may pass, compatible with the interest of the company, and the traveling community.

SEC. 3. The capital stock of said company may be twenty five thousand dollars, divided into shares of twenty five dollars each.

SEC. 4. That the above named commissioners shall meet at the town of Reily, at such time as they shall think proper, and proceed to organize the said company, and to take order for the opening of books for the subscription of the stock agreeably to the second section of the said act to provide for the regulation of turnpike companies.

SEC. 5. That as soon as one hundred and fifty shares shall be subscribed, the above named commissioners shall call a meeting of the stockholders in the manner prescribed in the third section of the act to provide for the regulation of turnpike companies, for the election of five directors for the government of said company.

SEC. 6. That said company be and they are hereby authorized to demand and receive from persons traveling said road the following tolls, for every ten miles travel on said road, and in the same proportion for a less distance, viz:

For every four wheeled carriage, drawn by two horses or oxen, twenty five cents; for every horse or ox, in addition, five cents;

For every sled or sleigh, drawn by two horses or oxen, ten cents; for every horse or ox, in addition, five cents;

For every horse and rider, five cents;

For every horse, mule or ass, six months old or upwards, led or driven, three cents;

For every head of neat cattle, six months old or upwards, one cent;

For every head of sheep or hogs, one half cent;

For every four wheeled pleasure carriage, drawn by two horses, thirty cents; for every horse, in addition, five cents;

For every two wheeled pleasure conveyance, drawn by one horse, ten cents;

For every four wheeled pleasure carriage, drawn by one horse, twenty cents;

For every cart, drawn by one horse or two oxen, ten cents; for every horse or ox, in addition, five cents.

SEC. 7. That whenever five continuous miles of said road are completed, according to the provisions of the said "act for the regulation of turnpike companies," the aforesaid company may erect a gate, and receive tolls from persons traveling said road at the above specified rates, provided that such persons shall be exempt from paying tolls as are exempted in the elev-

enth section of the aforesaid "act for the regulation of turnpike companies," saving, only, persons conveying public mails of the United States, which last mentioned persons shall not pass free as in said act provided.

Sec. 8. That said company, and the corporators thereof, shall be subject to the provisions of all acts now in force, or which may hereafter be enacted for the purpose of governing and regulating turnpike companies, generally, in this state; and, also, "an act instituting proceedings against corporations not possessing banking powers and the visitatorial powers of courts, and to provide for the regulation of corporations generally," passed March seventh, one thousand eight hundred and forty two.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

January 7, 1845.

AN ACT

To authorize the sale of School Section Sixteen, Blanchard township, Putnam county, and to legalize certain proceedings of the Trustees of said township.

Whereas, the trustees of Blanchard township, Putnam county, have proceeded under the act entitled "an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto," passed February second, one thousand eight hundred and forty three, to give the notice required by the second section of said act, and to hold the election, take the ballots, and within ten days thereafter to deposit one of the pollbooks of said election, with a copy of the notice given, and the affidavit of one of said trustees, stating the manner of giving said notices, and the times and places of putting up the same, which notice, affidavit and pollbook have been by said auditor recorded, as provided for in the third section of said act, and have filed their petition in the court of common pleas of said Putnam county, as provided in the fourth section of said act; therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That school section sixteen, in township number one, north, of range number eight, east, in Blanchard township, in the county of Putnam, be and the same is hereby authorized to be sold; and such sale shall in all respects be governed by the provisions of "an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto," passed February second, one thousand eight hundred and forty three.

SEC. 2. That the proceeding of the trustees of said Blanchard township, and of the auditor of said Putnam county, in the preamble to this act set out, be and the same are hereby rendered legal, and of as full force and authority as though the same were done, and transacted after the passage of this act.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

January 7, 1845.

AN ACT

To lay out and establish a Free Turnpike Road from the Mad River and Lake Erie Railroad, in the county of Hardin, to the county of Vanwert.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Henry L. Dally, of the county of Hancock, John B. Reeder and Samuel Ramsey, of the county of Putnam, and Samuel Ingleright, of the county of Vanwert, be and they are hereby appointed commissioners to lay out and establish a free turnpike road, beginning where the Bucyrus and Fort Wayne state road crosses the Mad River and Lake Erie Railroad, in the county of Hardin; thence along or near the first mentioned road, via Williamstown, in the county of Hancock; thence to where the Lima and Findlay state road crosses the said Bucyrus state road, in the county of Putnam; thence along or near the road to where the Miami Extension Canal crosses said road; thence to where the Bucyrus state road intersects the Bellefontaine, Lima and Vanwert Free Turnpike road in the county of Vanwert, which shall be constructed, repaired and preserved in the manner pointed out in this act.

SEC. 2. That the said commissioners shall have power to appoint a superintendent or superintendents, and such other agents as they may deem necessary to carry into effect the provisions of this act; a majority of said commissioners shall be a quorum, having power to transact any business and exercise any powers devolving upon, or intrusted to them by this act; and they shall keep a record of their proceedings, which shall, at all times, be open for inspection by any person interested desiring to inspect the same.

SEC. 3. The commissioners shall have power to receive subscriptions and donations in money or property, real or personal, which shall be applied to the constructing of said road; they may make contracts for constructing the same in a solid and durable manner, and keeping the same in repair; they may open and finish said road, in the first instance, along such portions of the line thereof as will soonest render the whole line thereof available for travel and transportation, and they shall have power to purchase and procure all the necessary implements and fixtures to preserve said road in repair.

SEC. 4. That said commissioners shall meet on the first Monday of July next, or within six days thereafter, and organize by choosing one of their number president of said board, and one other secretary; they shall then take measures to view, locate and establish said road, and of all such locations they shall file a copy with the auditors of each of the counties through which said road may pass.

SEC. 5. The taxes levied for road purposes, on all property within two miles of said road, on each side thereof, shall be applied to the construction and repair thereof, and all persons owing such taxes, who may wish to discharge the same in labor, shall apply such labor under the direction of said commissioners, or their agents, appointed for that purpose.

SEC. 6. So much of the taxes appropriated by this act as shall be paid into the county treasury, shall be computed by the county auditors and paid over, on the certificate of the officers of said board, certifying that labor to the amount thereof has been performed on said road; and all taxes so computed shall be expended on said road by said commissioners.

Sec. 7. It shall be the duty of the respective county auditors, in computing the portion of road tax that may have accrued within the aforesaid limits on each side of said road, to embrace the whole of any tract of land, not exceeding eighty acres, of which at least one half shall be within said limits, and for all duties performed by them under this act, he shall be allowed the same fees allowed by law for similar services in other cases, to be audited by the county commissioners and paid out of the county fund.

Sec. 8. The commissioners shall have power to receive donations of land to aid in the construction of said road, and to sell and convey the same in fee simple; they may take releases of the right of way, and they shall expend the money in their hands only on such parts of the road as shall have been permanently located and established.

Sec. 9. The said commissioners, and their successors, shall be a corporation by the name and style of the Williamstown Free Turnpike Road, for the purpose of carrying into effect the provisions of this act, and it shall be their duty to prosecute for all obstructions to said road, or for injuries done to the same, or the bridges thereon; and the form of such prosecution shall be in the action of debt, and the amount recoverable in each case shall be the amount of damages actually found by the court or jury, with ten per centum thereon, and, in all cases, the said commissioners shall have a right to sue, either before a justice of the peace, where the damages demanded are under one hundred dollars, or in the court of common pleas of the proper county, where the damages is over one hundred dollars, which suits shall be appealable as in other cases; and the amount so collected in each case shall be deposited with the county treasurer of said county, for the benefit of said road, and shall be paid over as provided in section six.

Sec. 10. The said commissioners shall, annually, in the month of January, make a full settlement of their receipts and expenditures, under this act, and deposit a copy thereof in the auditor's office of each county through which said road may pass.

Sec. 11. The supervisor of any road district, through which said road may pass, shall be and hereby is authorized to appropriate any portion of the two days labor within his district, which he may deem expedient, to the construction, preservation, and repair of said road, and the same shall be applied under the direction of said trustees or their agent or agents.

Sec. 12. The commissioners of said road shall be allowed their reasonable expenses when engaged on the business of said road, and no more; and when any vacancy shall happen in said board by death, resignation, or otherwise, the commissioners of the county, on being notified thereof, shall fill the same as often as it may occur.

Sec. 13. The expenses of surveying and location, and other expenses incidental to the construction, preservation, superintendence, and repair of said road, shall be paid out of the funds appropriated by this act to the construction, preservation, and repair of the same.

Sec. 14. All claims for damages, arising out of the location of said road, shall be settled in the manner prescribed by the act for opening and regulating roads and highways, and all damages assessed for injury to property shall be paid out of the county treasury, if, in the opinion of the county commissioners, the benefit resulting from the establishment of said road will [not] be equal to the amount of damages assessed.

SEC. 15. That so much of the act to lay out and establish a free turnpike road from Bellefontaine, in the county of Logan, to the Indiana state line, as appropriates any of the taxes north of this road, is hereby repealed.

SEC. 16. This act to take effect and be in force from and after its passage.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

January 9, 1845.

AN ACT

To authorize the trustees of Liberty township, in the county of Seneca, to lease School Section Sixteen, in said township.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the township of Liberty, in the county of Seneca, be and they are hereby authorized to rent school section, number sixteen, in said township, or such parts thereof as they may deem expedient, for the purpose of making further improvements thereon, for a term not exceeding seven years.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

January 9, 1845.

AN ACT

To incorporate the Tallmadge Academical Institute, of Tallmadge, in the county of Summit.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Samuel M. Bronson, Clark Sackett, Samuel Treat, Amos Wright, and Samuel H. Whittlesey, and their associates and assigns, be and they are hereby created a body corporate in law, with continual succession, for thirty years, by the name and style of the Tallmadge Academical Institute, and by that name have power to sue and be sued in all courts, to receive by gift or purchase, and hold all such real or personal estate, in Tallmadge, not exceeding at any time ten thousand dollars in value, as may be necessary or expedient for the maintenance of an academy for instruction in the higher branches of education of males or females, or both, and the same to sell, convey or lease, to contract or be contracted with, in all matters pertaining to said institute, and to have and use a common seal.

SEC. 2. That the persons named in the first section, and their asso-

ciates, having already subscribed stock, in shares of twenty five dollars each, to the amount of nine hundred dollars, and elected the above named Samuel M. Bronson, president, Clark Sackett, Samuel Treat, Amos Wright and Samuel H. Whittlesey, directors, and Horace S. Carter, clerk and treasurer of said institute, therefore the aforesaid subscriptions of stock shall invest the subscribers with such stock under this charter, as if the same were subscribed subsequently to the passage of this act, and under the provisions of the same. And the several persons above named, as already elected to the office, are hereby constituted and appointed such officers of said institute, to hold their respective offices from and after the passage of this act, until their successors shall be elected and qualified.

SEC. 3. That annually hereafter, on the first Tuesday of September, between the hours of ten o'clock, A. M., and four o'clock, P. M., or on some subsequent day, designated by adjournment from that day, the stockholders shall elect, by ballot, (a majority of the shares being represented, and each share being entitled to one vote,) a president and clerk of said corporation for one year, and four directors at the first election, and two annually thereafter; two of the directors, elected at the first election, to hold their office for one year only, and two (to be determined by lot,) to remain in office two years, and all, until their successors shall be elected and qualified.

SEC. 4. That it shall be the duty of the president to preside at all meetings of the stockholders, or directors, and on a request of five stockholders to call a meeting of stockholders, by posting notices at three or more public places, in the township of Tallmadge, at least ten days previous to the time of holding said meeting; or, on request of two directors, to convene the board of directors, by personal notice. All meetings of the stockholders, or directors, whether for elections or other business, shall be holden at some convenient place, to be provided by the directors, at or near the center of Tallmadge, aforesaid; and in all meetings of the stockholders, or directors, the president shall have the casting vote.

SEC. 5. The directors shall have power to manage the affairs of the corporation; to establish rules, regulations, and bylaws, for the government thereof, not inconsistent with the constitution or laws of the United States or of this state; to fill all vacancies that may occur in the offices of said corporation, by death or otherwise, in the interim between elections, for the unexpired portion of the term of the vacant office; to appoint, and procure, suitable teachers, and assistants, and such other agents as they shall deem advisable, and prescribe their duties, and fix their salaries; to change the time of holding the annual meeting; to erect, and keep in repair, one or more buildings at, or near, the center of Tallmadge, aforesaid, for the purpose, aforesaid, or for the preservation of books, maps, apparatus, or instruments, connected with the course of instruction in said institute; to collect subscriptions of stock, and lay and collect further installments thereon; but no tax shall be laid exceeding fifty cents per annum, on each share, nor any compensation allowed for the services of the president, or directors, without the assent of the stockholders, given at a regular meeting, held as before provided; and in making appointments of instructors, the concurrence of the president, and three directors, shall be necessary to a choice.

SEC. 6. That the stockholders shall be deemed, and they are hereby held, individually liable for all the debts of said corporation.

SEC. 7. That if from any cause, the annual meeting shall fail of being held, the corporation shall not be considered as thereby dissolved, but the directors shall have power to fix the time for said meeting.

SEC. 8. Any future legislature may alter, amend, or repeal this act; provided that no property acquired under this act shall ever be, by law, appropriated to any other object than the one herein specified.

JOHN M. GALLAGHER.

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

January 9, 1845.

AN ACT

To authorize the Lessees of Section Twenty Nine, in the original surveyed township, number three, and range three, in Butler county, to surrender their leases and receive deeds.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the permanent lessees, their assignees or legal representatives, on section number twenty nine, in the original surveyed township, number three, and range three, in Lemon township, in Butler county, Ohio, granted by Congress for religious purposes, be and they are hereby authorized to surrender their leases and take deeds for the lots or tracts of land, now held by them, respectively, at the last revaluation made and assessed under the provisions of the act, entitled "An act to incorporate the original surveyed townships," passed March fourteenth, one thousand eight hundred and thirty one, provided said lessees, their assignees or legal representatives, shall pay, in twelve equal annual installments, or at any sooner period, with six per centum thereon, commencing on the day of the date of the surrender of such lease or leases, the respective amounts valued and assessed as aforesaid, together with all back rents and expenses, incident to the execution of deeds under the provisions of this act; provided, also, that said revaluation shall have been made subsequent to the first day of January, one thousand eight hundred and forty.

SEC. 2. And the lessees, their assignees or legal representatives, county auditor, county treasurer, and all other officers or persons interested, shall be governed, in all respects, by the provisions of an act entitled "An act for the surrender and sale of section twenty nine, granted for religious purposes, in the township of Sycamore, Symmes and Columbia, in Hamilton county," passed January twenty fifth, one thousand eight hundred and forty three, except so much of the first section of said recited act as is inconsistent with this act, and so much of the eighth section of said recited act as requires a vote to be taken at the annual April election, as votes have been already taken in said original surveyed township, in favor of the surrender of said leases, and reception of deeds by said lessees.

SEC. 3. That all laws and parts of laws, heretofore passed, in relation

to section twenty nine, in Lemon township, in Butler county, which conflict with the provisions of this act, be and the same are hereby repealed.

Sec. 4. That this act shall take effect and be in force from and after its passage.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

January 15, 1845.

AN ACT

To incorporate the Calvinistic Book Concern.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Jeremiah Morrow, James Goudy, Andrew Heron, Hugh McMillan and James C. McMillan, the present board of directors of said concern, together with the present stockholders therein, and such persons as may hereafter be associated with them, according to the bylaws of such association, be and they are hereby created a body corporate and politic, with perpetual succession, to be known by the name and style of the Calvinistic Book Concern.

Sec. 2. That said association shall, by the name and title aforesaid, be capable, in law, of suing and being sued, pleading and being impleaded in any court of law or equity, may make and have a common seal, and be capable of holding, receiving and acquiring such real and personal estate as may be convenient and necessary for the use of said association, and such other real and personal estate as may be given, granted, devised or otherwise come into the possession of said association, for the purpose of carrying out, in good faith, the object of the association, and the same to sell and convey at pleasure.

Sec. 3. The said corporation is hereby declared to be created for the purpose of publishing, selling and distributing, such religious books, and other writings as said association may direct by its regulations and bylaws, and for that purpose, and for the general regulation and government of said association, the stockholders are hereby authorized to make and ordain such bylaws, not inconsistent with the laws of the United States and of this state, as to them may seem necessary and proper; and may appoint all such officers and agents as may be necessary to carry into effect the objects of the association.

Sec. 4. That the present board of directors and officers of said association shall continue in office until their successors are chosen and qualified.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

January 11, 1845.

AN ACT

To incorporate a Fire Company, in the town of Zoar, in the county of Tuscarawas.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Jacob Silvon, Jacob Ackerman, Jacob Fritz, Mathew Hileman, Frederick Heyd, John Peterman, Martin Roushenberger, John Breymaier, John Bromry, John Geo. Ackerman, Mathew Beeler, John Geo. Roof, Mathew Mack, Lewis F. Birk, Francis Strobel, Simon Beiter, Frederick Filtmon, Eli Laish, David Sheering, Christian Menzele, Peter Bimeler, Jacob Ricker, David Silvon, George Kocherez, Thadeus Kittel, Godfrey Koppel, Christian Laish, jr., Stephen Walter, William Ehlers, and John Gozely, their associates and successors, are hereby declared a body corporate and politic, by the name of the Fire Company of Zoar, in Tuscarawas county, and, as such, shall be capable of suing and being sued, pleading and being impleaded, defending and being defended, in any of the courts of this state; and said company shall have power to contract and be contracted with, to enact such bylaws and regulations as they may deem proper for the government of the same; provided that those bylaws and regulations be not inconsistent with the constitution and laws of the United States, and of the state of Ohio.

SEC. 2. That said company shall be authorized to purchase and hold property, real or personal, to an amount not exceeding five thousand dollars; and to have and use a common seal, and the same to alter or renew at pleasure.

SEC. 3. That the members of said association shall be exempt from the discharge of military duty in time of peace, so long as they continue to be members of such association.

SEC. 4. That the said corporators shall be subject to all the regulations and liabilities of "an act instituting proceedings against corporations, not possessing banking powers, and to provide for the regulation of corporations generally."

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

January 11, 1845.

AN ACT

To incorporate the Bedford Seminary, in Cuyahoga county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That E. H. Hawley, J. P. Robinson, Nelson Hamlin, Charles F. Bartlet, Hiram Spafford, D. B. Dunham, B. M. Hutchinson, Sidney Smith, Daniel Baldwin, Moses Gleason, F. H. Canon and W. B. Hillman, and their associates and successors, be and are hereby created a body corporate in law, with perpetual succession, and with power to use a common seal, by the

name and style of the Bedford Seminary, and by that name have right to sue and be sued in all courts, to receive by gift or purchase, and hold all such real or personal estate, not exceeding twenty five thousand dollars, at any one time, as may be necessary or expedient for the establishment and maintenance of an institution for the instruction of youth in the various branches of education, and have power to sell, convey, or lease, to contract or be contracted with in all matters pertaining to said institution.

SEC. 2. That the persons named in the first section, or a majority of them, shall, within three months from the passage of this act, provide a book and receive subscriptions of stock in said corporation, not exceeding twenty five thousand dollars, to be taken in shares of ten dollars each, and when the sum of one thousand dollars shall have been subscribed, they shall have power to call a meeting of the stockholders for the purpose of organizing, by posting notices at three or more public places in said township, at least ten days previous to the time of holding said meeting.

SEC. 3. That there shall be elected by ballot at said meeting, by the stockholders, each share being entitled to a vote, a president, twelve directors, a secretary and a treasurer, who shall hold their respective offices for the following terms, and until their successors are elected and qualified, to wit: president, four years; secretary, four years; treasurer, one year; three directors, four years; three directors, three years; three directors, two years; three directors, one year; the time of service of said directors to be fixed by lot; the elections thereafter shall be held annually on the first Monday of May, and it shall be the duty of the secretary to give notice of the same, at least ten days preceding, by putting up the said notice in at least three public places in said town.

SEC. 4. At each subsequent annual election three directors shall be elected, for the term of four years, and a treasurer for one year, and once in four years, a president and secretary.

SEC. 5. It shall be the duty of the president to preside at all meetings of the directors; and on request of six directors, to convene the board of directors, five of which shall constitute a quorum, a less number may adjourn from time to time; all meetings of the directors or stockholders, to be holden at or near the center of Bedford, and in the absence of the president from any meeting of the directors, the directors present, shall designate one of their number to preside at such meeting.

SEC. 6. It shall be the duty of the secretary to keep a record of the doings of the corporation, which shall always be open to the inspection of any stockholders.

SEC. 7. That said directors shall have power to manage the affairs of said corporation, establish rules, regulations and bylaws not inconsistent with the laws of this state, or of the United States, for the government thereof, fill all vacancies that may occur by death or otherwise, and procure suitable apparatus, teachers and assistants, and such other agents as they shall deem advisable, prescribe their duties and fix their salaries; to erect one or more buildings at or near the center of Bedford, for the purpose aforesaid, or in any way connected therewith, to collect subscriptions of stock; no compensation shall be paid the president and directors for their services, without the consent of a majority of the stockholders, given at the annual meeting.

SEC. 8. The president and any two of the directors, shall constitute a board of election, and receive and canvass votes, and declare the election, of which the secretary shall make a record.

SEC. 9. That if from any cause, the annual election shall fail being held, the corporation shall not thereby be considered as dissolved, in which case the directors shall have power to call a meeting, by renewing the notice of the stockholders, and fixing the time of the election.

SEC. 10. Any future legislature may alter or amend this act, provided that no property acquired under this act shall ever be, by law, appropriated to any other object than the one herein specified.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS.
Speaker of the Senate.

January 15, 1845.

AN ACT

To authorize the sale of Section Sixteen, in township five, south, range three, east, in Center township, in Mercer county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That section sixteen, in township five, south, range three, east, in Center township, in the county of Mercer, be and the same is hereby authorized to be sold according to the provisions of the act entitled "an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto," passed February second, one thousand eight hundred and forty three.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

January 15, 1845.

AN ACT

To authorize the County Commissioners of Delaware county to alter the boundaries of certain townships in Delaware county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Delaware county, be authorized, upon petition and notice as provided for in the first section of the act, in relation to the incorporation of townships, passed March third, one thousand eight hundred and thirty four, to alter the boundaries of townships within the territory, now included in the townships of Radnor, Thompson, Scioto and Concord, and to incorporate other townships within the said territory, so

that there shall not be more than six townships therein, nor shall any one such township have less contents than sixteen square miles.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.

DAVID CHAMBERS,
Speaker of the Senate.

January 15, 1845.

AN ACT

To authorize Alfred P. Edgerton to construct a road from Hicksville, in the county of Williams, to the Maumee river, in the county of Paulding.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Alfred P. Edgerton, of the county of Williams, in said state, his heirs and assigns, are hereby authorized to lay out and construct a road, and the necessary bridges thereon, from Hicksville, in said county of Williams, to the Maumee river, and on the nearest and most practicable route, or on the route of any state or county road heretofore surveyed, to the direction of Antwerp, on the Wabash and Erie canal, in the county of Paulding.

SEC. 2. That said road shall be opened not exceeding sixty feet wide, thirty three feet of which shall be cleared from brush and logs, and at least fourteen feet shall be made an artificial road, composed of earth, stone, gravel, wood or other convenient materials, in such manner as to secure a firm, even and substantial road; and that said bridges shall be built of hewn timber, well and sufficiently framed, and covered with sound oak plank, not less than two inches in thickness, and with a good and sufficient railing; and in no case shall the ascent in said road be greater than five degrees.

SEC. 3. That so soon as said road shall be completed, application shall be made to the commissioners of the county of Williams, and the county of Paulding, whose duty it shall be forthwith to appoint a disinterested freeholder from each county, to examine said road and bridges, and to report in writing to the said commissioners; and if such report shall state that the said road is completed in accordance with the provisions of this act, then the said Alfred P. Edgerton, his heirs and assigns are hereby authorized to demand and receive from all persons who may travel on said road, and so long as the same shall be kept in good repair for travel, the following rates of toll for the entire distance, being not less than six miles, and in the same proportion for a less distance, to wit:

For every four wheeled carriage, drawn by two horses or oxen, twenty cents; for every horse or ox in addition, five cents; for every two wheel carriage, drawn by two horses or oxen, fifteen cents; and for every horse or ox in addition, five cents; for every sleigh or sled, drawn by two horses or oxen, ten cents; and for every horse or ox in addition, five cents; for every horse and rider, ten cents; and for every horse, mule or ass six months old or upwards, led or driven, three cents; and for every head of neat cattle, six months old or upwards, one and a half cents; and for every head of sheep or hogs, half a cent.

SEC. 4. That such persons shall be exempt from paying tolls on said road as are exempted in the eleventh section of the general act, regulating turnpike companies, passed January seventh, one thousand eight hundred and seventeen.

SEC. 5. That in respect to taking materials for constructing or repairing said road, penalty for evading gates, or payment of toll, or for injuring bridges, said road shall be regulated by the acts now in force relative to turnpike companies.

SEC. 6. All suits for any violation of the provisions of this act shall be commenced in the name of the said Alfred P. Edgerton, or his legal representatives.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

January 15, 1845.

AN ACT

For the relief of Robert W. Russell, of Cincinnati.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be lawful for any two judges of the supreme court, upon the application of Robert W. Russell, of Cincinnati, a native of England, to examine him, the said Robert W. Russell, either by themselves or some person or persons learned in the law, by them appointed for that purpose, and if, on such examination had, the said judges shall be of opinion that the applicant is qualified and of good moral character, they shall direct their clerk to administer an oath of office and record the admission of such applicant as an attorney and counselor at law; provided the said judges shall not admit the said applicant to such examination unless they shall be satisfied that he has resided two years in this state, nor unless he shall produce from some attorney or counselor at law, a certificate, setting forth that such applicant is of good moral character, and that he has regularly and attentively studied the law during the period of two years previous to his application for admission, and that he believes him to be a person of sufficient legal knowledge and abilities to discharge the duties of an attorney and counselor at law; nor shall the applicant be admitted as aforesaid, unless he shall have declared, on oath or affirmation, before the proper tribunal or officer, that it was bona fide his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state or sovereignty whatever, and particularly by name the Queen of Great Britain and Ireland.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

January 15, 1845.

AN ACT

To amend "An act to incorporate the Town of Moorfield, in Harrison county," passed March 16, 1838.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the corporate limits of said town of Moorfield, shall be and hereby are extended to all additions of said town now laid off and recorded, or that may hereafter be laid off, and all additions to said town shall be subject to the provisions of the act to which this is an amendment.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

January 15, 1845.

AN ACT

To authorize the Commissioners of Erie county to procure copies of certain records in the county of Huron.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Erie county, be and they are hereby authorized to cause to be transcribed from the records of Huron county, by the recorder thereof, an exact copy of the records and proceedings of the Fire Land Company, so called, which records and proceedings are contained in two books, deposited in the recorder's office of Huron county, pursuant to a statute of this state, one of which books is called the book of classification, and the other of which, contains the records of the directors of said company, and the survey and partition of their lands.

SEC. 2. That the recorder of said county of Huron, shall, when applied to, by the commissioners of said county of Erie, make a fair copy of the records aforesaid, in suitable books to be provided by him for that purpose, and shall certify the same to be a true and exact copy of the original, under his seal of office, and said copies, so certified, shall be deposited in the office of the recorder of Erie county, and certified copies therefrom shall be received in evidence, in all courts, in the same manner as copies from the records of Huron county, may now, by law, be received in evidence.

SEC. 3. That the recorder of said county of Huron shall be entitled to the same compensation for his services in copying said records as he is now entitled to receive in other cases, by order upon the treasury of Erie county, which the auditor of said county is hereby authorized to issue, upon the delivery of said records, which compensation shall be in addition to the amount of compensation now allowed by law, for other services.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

January 15, 1845.

AN ACT

To authorize the sale of Section Sixteen, Riley township, Putnam county, and to legalize certain proceedings of the Trustees of said township

Whereas, the trustees of Riley township, Putnam county, Ohio, have proceeded under the act entitled "an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto," passed February second, one thousand eight hundred and forty three, to give the notice required by the second section of said act, and to hold the election, take the ballots, and, within ten days thereafter, to deposit one of the poll books of said election, with a copy of the notice given, and the affidavit of one of said trustees, stating the manner of giving said notices, and the times and places of putting up the same, which notice, affidavit and poll book have been by said auditor recorded, as provided for in the third section of said act, and have filed their petition in the court of common pleas of said Putnam county, as provided in the fourth section of said act; therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That* school section sixteen, in township number one, south, of range number eight, east, in Riley township, in the county of Putnam, be and the same is hereby authorized to be sold, and such sale shall in all respects be governed by the provisions of "an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto, passed February second, one thousand eight hundred and forty three.

SEC. 2. That the proceedings of the trustees of said Riley township, and of the auditor of said Putnam county, in the preamble to this act set out, be and the same are hereby legalized and rendered of as full force and authority as though the same were done and transacted after the passage of this act.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

January 15, 1845.

AN ACT

To lay out and establish a Free Turnpike Road in the county of Gallia.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That* John Cating, John N. Kerr, George Payne, and Anselm P. Holcomb, of Gallia county, be and they are hereby appointed commissioners to lay out and establish a free turnpike road, beginning at the eastern termination of Jackson street, of the town of Vinton, in said county of Gallia; thence following the new road as near as practicable to the town of Porter; thence the best and nearest way to Gallipolis, which shall be constructed, repaired and preserved in the manner pointed out in this act.

SEC. 2. That the said commissioners shall have power to appoint a su-

perintendent or superintendents, and such other agents as they may deem necessary to carry into effect the provisions of this act; a majority of said commissioners shall be a quorum, having power to transact any business and exercise any powers devolving upon or intrusted to them by this act; and they shall keep a record of their proceedings, which shall, at all times, be open for inspection by any person interested desiring to inspect the same.

SEC. 3. The commissioners shall have power to receive subscriptions and donations in money or property, real or personal, which shall be applied to the constructing of said road; they may make contracts for constructing the same in a solid and durable manner, and keeping the same in repair; they may open and finish said road, in the first instance, along such portions of the line thereof, as will soonest render the whole line thereof available for travel or transportation; and they shall have power to purchase and procure all necessary implements and fixtures to preserve said road in repair.

SEC. 4. That said commissioners shall meet on the second Monday of April next, or within six days thereafter, and organize by choosing one of their number president of said board; they shall then take measures to view, locate, and establish said road; and of all such locations, they shall file a copy with the auditor of Gallia county.

SEC. 5. The taxes levied on all property, real or personal, for road purposes, within one mile of said road, on each side thereof, shall be applied to the construction and repair of the same, and all persons owing such taxes, who may wish to discharge the same in labor, shall apply such labor under the direction of said commissioners, or their agents appointed for that purpose, at the rate of seventy five cents per day.

SEC. 6. So much of the taxes appropriated by this act as shall be paid into the county treasury, shall be computed by the county auditor, and paid over to said commissioners, or their agents; and all taxes so computed by the county auditor shall be expended on said road by said commissioners.

SEC. 7. It shall be the duty of the county auditor in computing the road tax that may have accrued within the aforesaid limits, on each side of said road, to embrace the whole of any tract of land, not exceeding eighty acres, of which at least one half shall be within said limits; and for all duties performed by him under this act, he shall be allowed the same fees allowed by law for similar services in other cases, to be audited by the county commissioners, and paid out of the county fund.

SEC. 8. The commissioners shall have power to receive donations of land to aid in the construction of said road, and to sell and convey the same in fee simple; they may take releases of the right of way; and they shall expend the money in their hands only on such parts of the road as shall have been permanently located and established.

SEC. 9. The said commissioners, and their successors, shall be a corporation by the name and style of the Gallipolis, Porter and Vinton Free Turnpike Road, for the purpose of carrying into effect the provisions of this act; and it shall be their duty to prosecute for all obstructions to said road, or for injuries done to the same, or the bridges thereon; and the form of such prosecutions shall be in the action of debt, and the amount recov-

erable in each case shall be the amount of damages actually found by the court or jury, with ten per centum thereon; and in all cases the said commissioners shall have a right to sue, either before a justice of the peace, or in the court of common pleas of the proper county, which suit shall be appealable as in other cases; and the amount so collected, in each case, shall be for the benefit of said road, and shall be paid over to said commissioners.

SEC. 10. The said commissioners shall, annually, in the month of January, make a full statement of their receipts and expenditures, under this act, and deposit a copy thereof in the auditor's office.

SEC. 11. The supervisor of any road district through which said road may pass shall be and hereby is authorized to appropriate any portion of the two days labor within his district, which he may deem expedient, to the construction, preservation and repair of said road, and the same shall be applied under the direction of said commissioners, or their agent or agents.

SEC. 12. The commissioners of said road shall be allowed their reasonable expenses when engaged on the business of said road, and no more; and when any vacancy shall happen in said board by death, resignation, or otherwise, the commissioners of the county, on being notified thereof, shall fill the same as often as the same may occur.

SEC. 13. The expenses of surveying and location, and other expenses incidental to the construction, preservation, superintendence and repair of said road, shall be paid out of the funds appropriated by this act to the construction, preservation and repair of the same.

SEC. 14. All claims for damages arising out of the location of said road, shall be settled in the manner prescribed by the act for the opening and regulating roads and highways, and all damages assessed for injury to property, shall be paid out of the county treasury, if, in the opinion of the county commissioners, the benefit resulting from the establishment of said road will [not] be equal to the amount of damages assessed. This act shall take effect and be in force from and after the passage thereof.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

January 21, 1845.

AN ACT

To incorporate the proprietors of the Cemetery of Spring Grove.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That from the time this act shall take effect, Wm. Neff, David Loring, R. Buchanan, Thomas H. Minor, John C. Wright, A. Harkness, Peter Neff, Timothy Walker, Daniel Horne, John Bailey, S. Schooley, Geo. W. Neff, Denton Dunn, Jacob Strader, R. B. Bowler, C. and J. Bates, O. M. Spencer, George Graham, George Shield, James Hall, C. S. Burdsal, T. H. Yeatman, Allison Owen, Josiah Lawrence, John Shillito, R. G. Mitchell, Wm. Goodman,*

John T. Shotwell, J. H. Groesbeck, D. Gwynne, Nathan Guilford, J. H. Lytle, Griffin Taylor, John Kilgour, K. Yardley, Hannevell and Hill, George Maxwell, Wm. Cameron, J. Poor, Samuel Beresford, Charles Hinch, James Gilmore, Charles Stetson, G. W. and D. S. Goodhue, D. B. Lawler, Samuel J. Foot, George W. Philips, James Pullan, J. W. Blachly, N. Sawyer, W. B. Smith, J. A. D. Burrows, S. C. Parkhurst, John Means, Joseph Pierce, John D. Jones, M. Flagg, J. R. Child, S. J. Kellogg, W. G. Breese, J. H. Pulte, S. B. Hunt, French and Winslow, Henry Clark, N. Merriweather, Baker and Von Phul, W. H. Abrams, Peter Smith, Lewis Whiteman, John R. Coram, J. S. Haines, A. McAlpin, Nathaniel Wright, V. Worthington, James M. Niles, J. Woodruff, S. Wiggins, Archibald Irwin, W. and R. P. Resor, George H. Bates & Co., S. Hartshorne, W. R. Rankin, W. R. Morris, H. M. Ernst, Lewis Broadwell, J. P. Broadwell, J. C. Culbertson, D. E. A. Strong, J. W. Coleman, Wm. Thoms, T. Kirby, N. T. Horton, Allen Collier, John Whetstone, F. and C. Andress, Charles Davis, A. H. Ernst, J. A. Warder, George Luckey, S. P. Chase, John C. Avery, W. J. Vanhorne, Wm. S. Sampson, George Carlisle, Jos. Stedman, Thomas Stoete, Thomas McGechin, George H. Hartwell, Daniel Robinson, James Wilson, Clark Williams, G. and P. Bogen, Henry Ives, L. B. Harrison, Pierson and Newton, Wm. Wilshire, Amos Gove, John Whitaker, G. K. Shoenberger, S. W. Pomeroy, Isaac Bates, Walter Gregory, J. Humble, Warren Hartshorne, Miles Greenwood, Samuel Silsbee, Marston Allen, Verden and Wert, Tyler Davidson, Daniel Ames, Jacob Burnett, Orson Britton, E. Brigham, John T. Brooke, Wm. K. Bond, James Boylan, R. Conclin, J. L. Conclin, H. Clearwater, M. H. Cook and Alfred M. Cook, James Calhoun, Enoch Mudge and William Clawson, Samuel Cloon, Thomas D. Carneal, Benjamin Dennis, Rowland Ellis, David K. Este, Samuel Fosdick, John Geddes, James Goodin and Samuel H. Goodin, William P. Hulbert, William Oliver and James C. Hall, Rufus Hodges, William S. Johnston, Jesse Justice, and Z. B. Coffin, James H. Merriwether and George Sueppenlatz, Rufus King, Samuel Lewis and Henry Lewis, S. S. L'Hommedieu and R. F. L'Hommedieu and Samuel L'Hommedieu, John Lea, Nicholas Longworth, William Miller, Charles McMechan, John McLean, George Milne, Peter Outcote, Walcott Richards, Landon C. Rives, Samuel S. Smith, George Selves and William Luck, Enion Singer, William Stephenson, Henry Shultz and Conrod Shultz, jr. and William S. Shultz, Aquilla J. Wheeler, Wm. M. Walker, Pollock Wilson, and their associates and successors, be and they are hereby constituted a body corporate, under the name of the proprietors of the Cemetery of Spring Grove, by which they shall have power to contract and be contracted with, sue and be sued, have and use a corporate seal, make and alter bylaws, and do all other acts and things necessary and proper for effecting the object of their incorporation, which is to provide a place of repose for the dead.

SEC. 2. Any person may become a member of this corporation by becoming the owner of one or more Cemetery lots, as the same shall be laid off by the board of directors, and the ownership of a lot shall entitle the owner or owners thereof to one vote at all meetings; but no member shall have more than one vote.

SEC. 3. The affairs of this corporation shall be managed by a board of directors, consisting of nine persons, members of the corporation, to be

elected by ballot, and to receive a majority of the votes; the first election shall be held at a time and place, to be designated by the first ten persons above specifically named as incorporators, who shall be commissioners for organizing the corporation; of which election the same notice shall be given as is herein provided for other elections; and every person, who shall have subscribed and paid for a lot, shall be entitled to a vote at this election; immediately after the first election, the board shall be divided by lot, into three classes, consisting of three each; the first class shall hold their office until the next annual meeting thereafter, the second class, a year longer than the first, and the third class, a year longer than the second, so that at each annual meeting after the first election, there shall be three directors chosen to serve for three years, and all vacancies previously existing shall be supplied; but in case of failure to elect, those directors previously in office, shall hold over until their successors are elected, and in case of a vacancy occurring between any two annual meetings, the board shall have power to fill such vacancy until the next annual meeting; a quorum of the board for all purposes shall be five persons.

SEC. 4. The annual meeting for the election of directors shall be held on the first Monday of October, in each year; but special meetings may be called by the president, at the request, in writing, of ten members, of which, as well as of the annual meetings, ten days notice shall be given by advertisement, in at least two of the daily papers published in the city of Cincinnati.

SEC. 5. The board of directors shall, at their first meeting, after each annual election, elect, by ballot, a president from their own body, and two persons from the members of the corporation, to act as secretary and treasurer. These officers shall hold their office for one year, and until their successors shall be appointed and qualified; and the treasurer shall give bond with surety, to be approved by the board, in such sum as the bylaws shall direct, for the faithful performance of his duties.

SEC. 6. This corporation is authorized to purchase, or take by gift, or devise, and hold land exempt from execution, and from any appropriation to public purposes, for the sole purpose of a cemetery, not exceeding three hundred acres, one hundred and sixty seven acres of which, such as shall be designated by the directors, shall be exempt from taxation and the remainder shall be taxed as other lands until the legislature shall otherwise direct. After paying for such land, all future receipts, whether from the sale of lots, from donations, or otherwise, shall be applied exclusively under the direction of the board to laying out, preserving, protecting and embellishing the cemetery, and the avenues leading thereto; and to paying the necessary expenses of the corporation. No debts shall be contracted in anticipation of future receipts, except for originally laying out, inclosing, and embellishing the grounds and avenues, for which a debt, or debts, may be contracted, not exceeding five thousand dollars in the whole, to be paid out of future receipts; and no lot shall be sold by the corporation on credit, but the board of directors shall have power to appropriate lots for the interment of such meritorious persons, not members, as they may see proper.

SEC. 7. The original conveyance of lots from the corporation to individuals shall be evidenced by a certificate signed by the president, and countersigned by the secretary, under the seal of the corporation, specifying

that such a person is owner of such a lot, and such a certificate shall vest in the proprietor, his heirs and assigns, a right in fee simple to such lot, exempt from execution, attachment, taxation or any other claim, lien or process whatever, for the sole purpose of interment, under the regulations of the corporation, and said certificate shall have the same force and effect as deeds duly executed in other cases, and may be recorded, and certified copies thereof shall be evidence as in other cases; and said lots or such portions thereof as may be prescribed by the board of directors, and with their assent, may be conveyed by deed in due form of law for the sole purpose of interment, as aforesaid; but no original certificate shall be granted to any person who does not produce a receipt from the treasurer that he has paid for his lot in full, nor shall any person be the proprietor of more than three lots at the same time, unless by the unanimous consent of the board of directors.

SEC. 8. For the purposes of convenient selection and description, the board of directors shall cause a plat to be made of the lots to be disposed of for interment, designating such lots by consecutive numbers, which plat shall be recorded on the books of the corporation; the original choice of lots between those who shall have subscribed and paid for them, prior to the time of making the selection, shall be determined by lot in such manner as the board of directors shall prescribe; and after the original selection shall have thus been determined, future purchasers may select from the lots not previously appropriated.

SEC. 9. The board of directors shall have power to inclose, improve, and adorn the grounds and avenues, and to erect buildings for the general use of the corporation, and to prescribe rules for the inclosing, adorning and erecting monuments in the cemetery lots, and to prohibit any use, division, improvement, or adornment of a lot, which they may deem improper; and they shall make report of their doings to each annual meeting of the corporation.

SEC. 10. Any person who shall willfully destroy, mutilate, deface, injure or remove any tomb, monument or gravestone, or other structure, placed in the cemetery aforesaid, or any fence, railing, or other work for the protection or ornament of said cemetery, or of any tomb, monument, or gravestone, or other structure aforesaid, or of any cemetery lot within the cemetery aforesaid, or shall willfully destroy, cut, break, or injure any tree, shrub or plant, within the limits of the said cemetery, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, before any court of competent jurisdiction, be punished by a fine of not less than five dollars, nor more than five hundred dollars, and by imprisonment in the county jail, for a term of not less than one, nor more than thirty days, according to the nature and aggravation of the offence, and such offender shall also be liable in an action of trespass, in the name of the said corporation, to pay all such damages as have been occasioned by his unlawful act, or acts; which money when recovered, shall be applied by the said corporation, under the direction of the board of directors, to the reparation and restoration of the property destroyed or injured as above; and members of said corporation shall be competent witnesses in said suits.

Sec. 11. This act shall be regarded as a public act, and shall take effect from and after its passage.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

January 21, 1845.

AN ACT

To authorize the lessees of Section, number 29, in Township number four, in third range, in Warren county, to surrender their leases.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the lessees of section, number twenty nine, in the fourth township and third range, between the Miami Rivers, in Warren county, be and they are hereby authorized to surrender their leases and to take deeds for their lots or tracts of land, held by them respectively, in said section, and that such surrender shall be made, and in all respects be governed by the provisions of an act entitled "An act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto," passed February second, one thousand eight hundred and forty three, and the act amendatory thereof, passed March twelfth, one thousand eight hundred and forty four.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

January 21, 1845.

AN ACT

To enable the minor heirs of Martha C. Dudley, to convey certain real estate.

Whereas, the proprietors of the cemetery of Spring Grove have purchased for a cemetery, a farm in Millcreek township, Hamilton county, Ohio, commonly called the Gerrard farm, the title to part of which is derived through a deed from Ambrose Dudley and Martha C. Dudley, his wife, one of the heirs at law of Israel Ludlow, deceased, in the certificate of the execution of which, on her part, a formal error has intervened, constituting, in the opinion of some, a shade upon the title; and whereas, the said Martha C. has departed this life, leaving her husband and several children, her heirs at law, two of whom, Charlotte Anne Dudley and Ellen C. Dudley, are still under the age of eighteen years; and whereas, the said proprietors of said cemetery are desirous of removing all clouds from the title of their burying ground, as are the said Ambrose Dudley,

his children by the said Martha C., as well those of adult years, as the said minor children; therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be lawful for the said Charlotte Anne and Ellen C. Dudley, by and with the advice and consent of their said father, to execute and deliver to the said proprietors, or any person holding the title of said farm, a deed or deeds of release of their interest in the premises, as fully as if they were of full age, and such deed or deeds, so executed and delivered, shall have the same effect as if executed by adult persons without disability.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.

DAVID CHAMBERS,
Speaker of the Senate.

January 21, 1845.

AN ACT

To incorporate the Summerville and Jacksonsburg Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Andrew Campbell, Jacob Leiber, John H. Thomas, William Farries, Joel G. Hutchin, John Kelly, Isaac Conanor and Daniel Boyer, of the county of Butler, and their associates, be and they are hereby created a body corporate, under the name of the Summerville and Jacksonburg Turnpike Road Company, for the purpose of constructing a turnpike road from Summerville, in the county of Butler, on the nearest and most practicable route to intersect the Middletown and West Alexandria Turnpike Road, at a point near Jacksonsburg in said county of Butler, which company shall have all the rights, privileges and powers, and subject to all the restrictions defined in the act to provide for the regulation of turnpike companies, passed January seventh, one thousand eight hundred and seventeen, and the several acts amendatory thereto, except in so far as the same may be modified or changed by the special provisions of this act.

SEC. 2. The capital stock of said company may be fifty thousand dollars, divided into shares of twenty five dollars each.

SEC. 3. That the above named commissioners shall meet at Summerville, at such time as they shall think fit, and proceed to organize the said company, and take order for the opening of books for the subscription of stock, agreeably to the second section of the said act to provide for the regulation of turnpike companies.

SEC. 4. That as soon as one hundred shares shall be subscribed, the above named commissioners shall call a meeting of the stockholders, in the manner prescribed by the third section of the said act, to provide for the regulation of turnpike companies, for the election of five directors for the government of said company.

SEC. 5. That said company, be and they are hereby authorized to demand and receive from persons traveling said road, the following tolls for

every ten miles travel on said road, and in the same proportion for a less distance, to wit:

For every four wheeled carriage, drawn by two horses, mules, or oxen, twenty five cents; for every horse, mule, or ox in addition, five cents.

For every sled or sleigh, drawn by two horses or oxen, ten cents; and for every horse or ox in addition, five cents.

For every horse and rider, six and one fourth cents.

For every horse, mule, or ass, six months old or upwards, led or driven, three cents.

For every head of neat cattle, six months old or upwards, one cent.

For every head of sheep or hogs, one half cent.

For every four wheeled pleasure carriage, drawn by two horses, thirty cents; for every horse in addition, five cents.

For every two wheeled pleasure carriage, drawn by one horse, ten cents.

For every four wheeled pleasure carriage, drawn by one horse, twenty cents.

For every cart, drawn by one horse or two oxen, ten cents; for every horse or ox in addition, five cents.

SEC. 6. That whenever five continuous miles of said road are completed, according to the provisions of the said act, for the regulation of turnpike companies, the aforesaid company may erect a gate and receive tolls from persons traveling said road, at the above specified rates; provided that such persons shall be exempt from paying tolls as are exempted in the eleventh section of the aforesaid act for the regulation of turnpike companies, saving only persons conveying public mails of the United States, which last mentioned persons shall not pass free as in the act provided.

SEC. 7. That said company and the corporators thereof shall be subject to the provisions of all acts now in force, or which may be hereafter enacted, for the purpose of governing and regulating turnpike companies, generally, in this state, and also an act instituting proceedings against corporations not possessing banking powers, and the visitatorial powers of courts, and to provide for the regulation of corporations generally, passed March seventh, one thousand eight hundred and forty two.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

January 21, 1845.

AN ACT

To authorize the sale of the east half of the northwest quarter of section number fifteen, in township number sixteen, of range nineteen, Refugee tract, for the use of schools for the township of Liberty, Fairfield county, and the townships of Harrison and Union, in the county of Licking.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That the east half of the northwest quarter, of section number fifteen, of town-*

ship number sixteen, of range number nineteen, Refugee tract, for the use of schools for the township of Liberty, in Fairfield county, and the townships of Harrison and Union, in the county of Licking, be and the same is hereby authorized to be sold, and such sale shall, in all respects, be governed by the provisions of an act entitled "an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto," passed February second, one thousand and forty three.

SEC. 2. All the duties required to be performed by the court of common pleas, and the county auditor, under the act aforesaid, shall be performed by the court of common pleas, and county auditor of Licking county.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

January 21, 1845.

AN ACT

To amend the Charter of the Marietta and Newport Turnpike Road and Bridge Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the Marietta and Newport Turnpike Road and Bridge Company, be and are hereby authorized to vacate and abandon all that portion of said company's road which lies south and east of the cross road leading from the mouth of the Little Muskingum river, up the east side of said river.

SEC. 2. That so much of the charter of said company as authorizes the collection of additional tolls at the Little Muskingum Bridge, in consequence of the construction of that portion of said company's road, which lies south and east of the Little Muskingum river, be and is hereby repealed.

SEC. 3. That so much of the road of said company, as is abandoned by said company, by the provisions of this act, be and is hereby declared, and by this act is constituted, a state road, and is hereby made subject to the laws of this state in relation to state roads.

SEC. 4. That the nominal capital of said company is hereby reduced from sixty to thirty thousand dollars, and the shares from fifty dollars each, to twenty five dollars each; provided that nothing in this act shall be so construed as to exempt said company from any liability on their part incurred in constructing said road, or any part thereof.

SEC. 5. That this act may be adopted as an amendment to the charter of said company, at any regular meeting of the company, by the vote of two thirds of the shares represented at such meeting.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

January 21, 1845.

AN ACT

To amend the act entitled "An act to amend the act to incorporate the Perrysburg Canal and Hydraulic Company," passed December 24th, 1840.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the Perrysburg Canal and Hydraulic Company shall be, and it is hereby, allowed the further time of three years to complete the work authorized by the charter of said company, from and after the twentieth day of February, one thousand eight hundred and forty five; any thing in the former acts to which this is an amendment, to the contrary notwithstanding.

SEC. 2. That said company shall not, by the construction of said work, acquire any right by which the state shall be deprived of the use of such quantity of water, to be taken from the Maumee River, as may be found necessary or convenient for the use of the state; nor shall the state ever be liable to said company for damages arising from the use of such water by the state.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

January 21, 1845.

AN ACT

To authorize the establishment of a College of Dental Surgery.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That B. P. Aydelott, Robert Buchanan, Dr. Israel M. Dodge, William Johnson, J. P. Cornell, and Calvin Fletcher, of Cincinnati, Dr. S. P. Hildreth, of Marietta, Dr. G. S. P. Hempstead, of Portsmouth, and Dr. Samuel Martin, of Xenia, and their successors, are hereby constituted and appointed a board of trustees, with power to establish a college of Dental Surgery, in the city of Cincinnati, and said board is hereby declared to be a body corporate and politic, with perpetual succession, and shall be known by the name and style of the Trustees of the Ohio College of Dental Surgery, and the said board shall have power to acquire, hold and convey, property for the endowment of said college; to sue and be sued, contract and be contracted with, plead and be impleaded, defend and be defended, answer and be answered unto, in all courts and places, and in all matters and causes whatsoever; provided that no part of the estate, either real or personal, which said corporation may, at any time, acquire, shall be employed in the business of banking, or for any other purpose than that designated by this act; and provided, also, that the revenues arising from the property which said incorporation shall be permitted to hold, for the purpose above specified, shall not exceed the sum of five thousand dollars per annum.

SEC. 2. That the said incorporation may have a common seal, which may be altered, broken, or renewed, at pleasure.

SEC. 3. That the officers of said incorporation, shall be a president, vice president, register, and treasurer, who shall be elected, annually, by said board of trustees, at such time and in such manner as the said board may direct, and shall hold their offices until their successors are chosen.

SEC. 4. That the trustees of the aforesaid incorporation shall have full power to create and establish such professorships as they may deem necessary for said college, and that they may, at any time, appoint or dismiss all such professors or lecturers as they may think proper, also to make and ordain such bylaws, rules, and regulations as they may deem necessary for the government and well being of said college; provided that such bylaws, rules, and regulations are not inconsistent with the constitution and laws of this state and of the United States; and provided, also, that no branches of medical science shall be taught except those necessary to dental surgery.

SEC. 5. That all vacancies which may occur from death, resignation, or otherwise, in the board of trustees of the aforesaid incorporation, shall be filled by the remaining members of said board.

SEC. 6. That the said boards of trustees shall have power, and are hereby authorized to confer the degree of Doctor of Dental Surgery, and grant diplomas for the same, under the seal of the incorporation; provided that no diploma thus granted shall confer any privilege farther than the practice of dental surgery.

SEC. 7. That the said corporation shall be subject to all the regulations and liabilities of an act instituting proceedings against corporations not possessing banking powers, and to provide for the regulation of corporations generally, passed March seventh, one thousand eight hundred and forty two.

SEC. 8. This act shall take effect from and after its passage.

JOHN M. GALLAGHER.

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

January 21, 1845.

AN ACT

To revive and amend the act entitled "An act to incorporate the Columbus, Delaware, Marion and Sandusky Railroad Company," passed February 8, 1839.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That the act entitled "An act to incorporate the Columbus, Delaware, Marion and Sandusky Railroad Company," passed February eight, one thousand eight hundred and thirty two, be and the same is hereby revived and amended; that William Neil, Joseph Ridgway, Orange Johnson and William Platt, of Franklin county, William Little, Hosea Williams, Benjamin Power, Charles H. Picket, Henry Lamb, Abraham Thomson, Sherman Finch, Otho Hinton, of Delaware county, Sanford S. Bennett, Elisha Hardy, George*

H. Busby, Ozias Bowen, John Bartram, of Marion county, and John Cary, of Crawford county, are hereby appointed commissioners, instead of those named in the above recited act; and the said commissioners hereby appointed, or a majority of them are hereby authorized to proceed, after having given thirty days notice in one newspaper printed in each of the above named counties, to cause books to be opened for the purpose of receiving subscriptions to the capital stock of the said company, in the manner provided for in the above recited act, by which they shall be governed in all respects.

SEC. 2. The railroad mentioned in the above recited act shall commence at a convenient place in the city of Columbus, making Delaware and Marion intermediate points, and thence the most convenient and best route to intersect the Madriver and Lake Erie Railroad; and if the said railroad shall not be commenced in five years from the passage of this act, and shall not be finished within fifteen years from the time of the commencement thereof, then this act to be null and void.

SEC. 3. That said company shall, in securing the right of way and procuring materials for the construction of said road, be governed in all respects by the act entitled "An act to amend the act entitled an act for the regulation of turnpike companies," passed March eleventh, one thousand eight hundred and forty three.

SEC. 4. That the act to revive and amend the above recited act, passed March fourth, one thousand eight hundred and forty four, be and the same is hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

January 21, 1845.

AN ACT

To incorporate the Dayton and Germantown Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Samuel Rohrer, George C. Schaeffer, Joseph Kemp, D. M. Reasor, John Holler, Valentine Winters, and Joseph Barnett, of Montgomery county, and their associates, be and they are hereby created a body politic and corporate, under the name of the "Dayton and Germantown Turnpike Company," for the purpose of constructing a road from the city of Dayton, commencing at a suitable point on the corporation line west of the Great Miami river, and thence on the most suitable route to Germantown, in said county of Montgomery, which company shall have all the rights, privileges and powers and be subject to all the restrictions defined in the "act to provide for the regulation of turnpike companies, passed January seven, one thousand eight hundred and seventeen," except in so far as the same may be modified or changed by the special provisions of this act.

SEC. 2. The capital stock of said company shall be thirty thousand dollars, divided into shares of fifty dollars each.

SEC. 3. That the above named commissioners, or a majority of them, shall meet at such time and place as they may think proper to appoint, after the passage of this act, and proceed to organize the said company, and to take order for the opening of books for the subscription of stock, agreeably to the second section of said act of January seventh, one thousand eight hundred and seventeen.

SEC. 4. So soon as five thousand dollars of stock shall be subscribed the said commissioners shall call a meeting of the stockholders, in the manner prescribed in the third section of said act before named, for the election of seven directors for the government of said company.

SEC. 5. That said company be and they are hereby authorized to demand and receive from persons traveling said road the following tolls, for every ten miles travel on said road, and in the same proportion for a less distance, to wit:

For every four wheeled carriage, drawn by two horses or oxen, fifteen cents; for every horse or ox in addition, five cents;

For every horse and rider, five cents;

For every horse, mule or ass, six months old or upwards, led or driven, three cents;

For every head of neat cattle, six months old or upwards, one cent;

For every head of sheep or hogs, one half cent;

For every four wheeled pleasure carriage, drawn by two horses, twenty five cents; for every horse in addition, five cents;

For every two wheeled pleasure conveyance, drawn by one horse, ten cents;

For every four wheeled pleasure carriage, drawn by one horse, fifteen cents;

For every cart, drawn by one horse or two oxen, ten cents; for every horse or ox in addition, five cents;

SEC. 6. That whenever five continuous miles of said road are completed, according to the provisions of the said act for the regulation of turnpike companies, the aforesaid company may erect a gate, and collect tolls from persons traveling said road, at the above specified rates, provided that such persons shall be exempt from paying tolls as are exempted in the eleventh section of the aforesaid act for the regulation of turnpike companies, saving only persons conveying public mails of the United States, which last mentioned persons shall not pass free as in the said act provided.

SEC. 7. That said company shall be subject to the provisions of all acts now in force, or which may hereafter be enacted for the purpose of governing and regulating turnpike companies generally, in this state.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

January 21, 1845.

AN ACT

To authorize the County Commissioners of Wood county to purchase that part of the Perrysburg, Findlay and Kenton Turnpike Road, which lies in Wood county, and to levy a tax to pay for the same.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of Wood county, be and they are hereby authorized to purchase of the Perrysburg, Findlay and Kenton Turnpike Road Company, that part of the road belonging to said company, which lies in Wood county, on paying the actual amount expended by said company in constructing that part of said road.

SEC. 2. That for the payment of the cost of said road, under the provisions of the foregoing section, the county auditor of Wood county is hereby authorized, on the certificate of the aforesaid commissioners, to issue orders on the treasurer of Wood county, in such amounts as may be required, payable to such persons or bearer as shall be designated by the president and directors of said company, out of the fund hereinafter provided for; said orders shall draw interest from their date until paid, at the rate of six per centum per annum, and the said interest shall be paid annually, on the first day of March.

SEC. 3. That in order to raise a fund for the payment of said orders, and the interest thereon, the county commissioners aforesaid, be and they are hereby authorized and required to levy a tax annually, at their June session, in each year, not to exceed ten mills on the dollar of the valuation, on all the real estate within the corporate limits of the town of Perrysburg, in said county of Wood, and on all the outlots to said town; river tracts, sixty five and sixty six, and sections thirteen, twenty three, twenty four, twenty five, twenty six, thirty five, and thirty six, in township one, in what is called the Twelve Mile Square Reservation; sections eighteen, nineteen, twenty nine, thirty, thirty one and thirty two, in township four, in the above named Twelve Mile Square Reservation; and on all sections and fractional sections in the west tier of sections in fractional township six, townships five, four and three, north, of range eleven, and the east tier of sections in townships three, four, five, and fractional township six, north, of range ten; and a tax not to exceed eight mills on the dollar of the valuation on fractional section seventeen, sections twenty, twenty nine, and thirty two, in fractional township six, north, of range eleven; sections five, eight, seventeen, twenty, twenty nine, and thirty two, in township five in last named range; sections five, eight, seventeen, twenty, twenty nine, and thirty two, in township four, in last named range; sections five, eight, seventeen, twenty, twenty nine and thirty two, in township three, north, of range eleven; sections thirty five, twenty six, twenty three, fourteen, eleven, and two, in township three, north, of range ten; sections thirty five, twenty six, twenty three, fourteen, eleven, and two, in township four in last named range; sections thirty five, twenty six, twenty three, fourteen, eleven, and two, in township five, in said last named range; and sections thirty five, twenty six, twenty three, and fractional section fourteen in fractional township six, north, of range ten; and a tax not to exceed five mills on the dollar of the valuation on sections four, nine, sixteen, twenty one, twenty

eight, thirty three, thirty four, twenty seven, and twenty two, in township five, north, of range eleven; and sections four, three, nine, ten, sixteen, fifteen, twenty one, twenty two, twenty eight, twenty seven, thirty three, and thirty four, in township four, in said last named range; and sections four, three, nine, ten, sixteen, fifteen, fourteen, twenty one, twenty two, twenty three, twenty five, twenty six, twenty seven, twenty eight, thirty three, thirty four, thirty five and thirty six, in township three, north, of range eleven; and on all the sections in the west, two thirds of townships three and four, north, of range ten; and on sections thirty one, thirty two, thirty three, thirty four, twenty seven, twenty eight, twenty nine, twenty, twenty one, twenty two, fifteen, sixteen, seventeen and ten, in township five, north, of range ten; and sections thirty four and twenty seven, in fractional township six, north, of range ten; and a tax not to exceed two mills on the dollar of the valuation on all the real estate in township three, north, of range nine, as the same is or may be on the grand levy for state and county purposes; the sums levied, as aforesaid, to be added to the duplicate, and collected in the same manner as state and county taxes are collected.

SEC. 4. The amount of said taxes, when collected, shall be kept in a separate fund from all other taxes by the county treasurer, said fund to be denominated the Findlay Road Fund, and shall be applied to the payment of the orders and interest thereon, mentioned in the second section of this act, and such orders as may be issued to complete said road, and keep the same in repair, and for no other purpose; and the faith of the county of Wood shall be pledged for the redemption of the same with interest under the provisions of this act. The county commissioners of Wood county shall levy said tax, each and every year until said orders shall be paid in full; any balance that may remain on hand after paying the same off, shall be applied to keeping said road in repair, and to no other purpose.

SEC. 5. That the said Perrysburg, Findlay and Kenton Turnpike Road Company, be and they are hereby authorized to sell and convey to the said commissioners of Wood county, and their successors in office, for the use of the county of Wood, so much of the road aforesaid as lies in Wood county.

SEC. 6. That the county commissioners aforesaid are hereby authorized to put under contract, and finish that part of said road in Wood county, not now finished, and keep the same in repair, and pay for the same, in orders as provided for in section two; provided that nothing in this act shall be construed to charge said road fund with the payment of any compensation to the president and directors of said company for their services.

SEC. 7. This act shall take effect and be in force from and after its passage.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

January 21, 1845.

AN ACT

To authorize the Trustees of the original surveyed township, number three, in the eleventh range, in Meigs county, to lease permanently, certain school lands, in the counties of Athens and Meigs.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the original surveyed township, number three, in the eleventh range, in Meigs county, are hereby authorized to lease, permanently, the several lots of land, granted by congress, in lieu of section sixteen, for the use of schools in said township, situated and described as follows: the west half of the northeast quarter, the east half of the northwest quarter, and the west half of the southeast quarter, of section number eight, township five, range twelve in Athens county; also, the northwest quarter of section twenty six, township three, range thirteen, and the east half of southwest quarter of section eight, in township four, range twelve, in Meigs county.

SEC. 2. That said trustees shall appoint three disinterested freeholders, not inhabitants of said original surveyed township, whose duty it shall be to meet on the premises named in the first section of this act, on a day appointed by such trustees, and after having taken an oath or affirmation, before some justice of the peace, for the faithful performance of their duties, shall proceed to appraise and value said lands, (without taking into view the improvements thereon,) and make return thereof, to said trustees, within five days after such valuation shall have been completed, and such appraisers shall be allowed a reasonable compensation for their services, to be paid out of the treasury of such original township, on the order of the trustees, and the said trustees shall lease said lots to such person or persons as may apply, for the term of ninety nine years, renewable forever, subject to a revaluation, every fifteen years, and six percentum on the valuation or revaluation of said lots shall be the rent required; provided always, that the present lessees, shall, in all cases, have the preference, where they shall have complied with the conditions of their former leases; and, provided, also, that nothing in this act contained shall be so construed as to require any of the present lessees against his, her, or their will, to give up or relinquish any right, interest or estate, which such lessee or lessees may have in, or to, any part of said lands, by virtue of any lease or leases that may have been granted previous to the taking effect of this act.

SEC. 3. That the said trustees are hereby authorized to remove, by due course of law, all persons occupying said lands, in case such persons refuse or neglect to take such leases, within three months, after the expiration of their present leases, and if the said lessees refuse or neglect to pay the aforesaid per centage, or rent, yearly, and every year, to the treasurer of said original surveyed township, it shall be the duty of the trustees, to sue for, and recover such rent, out of the goods and chattels of the delinquents, together with the damages and costs of suit, and if no goods and chattels can be found, the trustees are hereby authorized to re-enter upon the lands, and the improvements shall be sold at public vendue, after giving, at least fifteen days notice, by advertisement, posted up in three of the most public places in the township, where such delinquent lands may be situated, to satisfy such rent, damages and costs, and in case the improvements should sell for more than the damages and costs, aforesaid, or there be only a part

sold, the overplus, if in money, shall be paid over, and if in lands, shall again be leased to the delinquent; and the trustees and treasurer aforesaid, shall be governed in all other respects, by the provisions of the ninth section of an act entitled "An act to incorporate the original surveyed townships," passed March fourteenth, one thousand eight hundred and thirty one.

SEC. 4. This act shall take effect and be in force, from and after its passage.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

January 23, 1845.

AN ACT

To authorize the sale of School Section number sixteen, of township seven, north, range eight, east, in Swancreek township, in the county Lucas.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That school section number sixteen, in township seven, north, range eight, east, in Swancreek township, in the county of Lucas, be and the same is hereby authorized to be sold, and such sale shall, in all respects, be governed by the provisions of an act entitled "an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto," passed February second, one thousand eight hundred and forty three; provided that said land, in no case, shall be sold for a less sum than four dollars per acre.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

January 23, 1845.

AN ACT

To incorporate the Cincinnati Classical Academy.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Albert T. Bledsoe, Chauncy Colton, and John C. Zachos, together with such persons as may hereafter be associated with them, be and they are hereby created a body corporate and politic, with succession for thirty years, by the name of the Cincinnati Classical Academy, and by that name, to contract and be contracted with, sue and be sued in all courts of law and equity, acquire, hold, possess, and enjoy, and sell, convey, and dispose of property, both personal and real; provided that the capital stock shall not exceed fifty thousand dollars.

SEC. 2. That the officers of said corporation shall consist of one rector, five or more trustees, and such other assistants and officers as the said rector may see proper to appoint.

SEC. 3. That the said trustees shall have power to make and use a corporate seal, and to alter and amend the same at their pleasure; and also that the said rector shall have power, by and with the advice and consent of the said trustees, to confer, under the corporate seal, degrees and testimonials of attainment, in each and every branch of learning which may be taught in said institution.

SEC. 4. That any future legislature may alter, amend, or repeal this act, provided such alteration, amendment, or repeal, shall, in no wise, affect the title to any property acquired under the provisions of this act.

SEC. 5. That the incorporators, or a majority of them, shall give ten days notice of their first meeting, for the election of officers under this act, to be published in some newspaper in the city of Cincinnati.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

January 23, 1845.

AN ACT

Further to amend an act, and the amendatory acts to incorporate the Sandusky, Toledo, and Michigan City Railroad Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the time for completing one half of said road is hereby further extended five years, and for completing the whole of said road ten years.

SEC. 2. That so much of the second section of an act concerning said company, passed February seventeenth, one thousand eight hundred and forty three, as subjects the corporators in their individual and natural capacities, to any liability for, and on account of, said company be hereby repealed.

SEC. 3. That the said corporation be authorized to borrow money, to construct said road, and to place machinery and vehicles thereon, and to pledge its property, credits, and receipts for the payment thereof, and for the security or payment of the debts of said company; provided, that the contract by which the pledge is made before the same shall operate as a lien upon the property, credits or receipts pledged, shall be recorded in the recorder's office of the county of Lucas.

SEC. 4. The right reserved to the legislature in the eighteenth section of the act of March fourth, one thousand eight hundred and thirty six, incorporating the Toledo and Sandusky City Railroad Company, of thirty five years, after which, to purchase the road and property of said company, be extended to thirty five years from the completion of said road.

SEC. 5. The president and directors of said company are hereby authorized and empowered to agree with any company or companies, incor-

porated, or which may be incorporated to construct a railroad from Buffalo to the Mississippi river, or for any intervening section of said route, for connecting routes of travel and general management of business, through the whole extent of the roads of the contracting companies, or any part thereof completed, so as to insure regular intercourse through the entire line of the road, or any part completed, on such terms and conditions, with the division of profits and receipts, as said companies may stipulate.

SEC. 6. If the Ohio Railroad Company, or the State of Ohio, or any persons or company, by whom, under the authority of the state, the right of constructing the Ohio Railroad between Sandusky City and the Maumee River may be purchased under lien of the state, shall, within three years commence the construction, and within ten years complete and put in operation a Railroad from Sandusky City to the Maumee River, opposite to Toledo, then the charter granted to the Sandusky City and Toledo Railroad Company, on the fourth of March, one thousand eight hundred and thirty six, so far as authority is given to construct a railroad between those points, be revoked under the reservations of an act passed March seventh, one thousand eight hundred and forty two, concerning corporations; if the two companies, or the state, or persons or company, acting under a purchase of the lien of the state aforesaid, and the company mentioned in this act, shall disagree as to the point of termination, opposite Toledo, the same shall be decided by commissioners appointed by the governor.

JOHN M. GALLAGHER.

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

January 23, 1844.

AN ACT

To authorize the sale of School Section number Sixteen, in township nine, south, range four, east in Amboy township, in the county of Lucas.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That school section, number sixteen, in township nine, south, range four, east, in Amboy township, in the county of Lucas, be and the same is hereby authorized to be sold, and such sale shall, in all respects, be governed by the provisions of an act entitled "an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto," passed February second, one thousand eight hundred and forty three; provided said section shall not sell for a less sum than four dollars per acre.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

January 27, 1845.

AN ACT

To incorporate the Springfield Lodge, number Thirty Three, of the Independent Order of Odd Fellows, at Springfield, Clark county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Isaac N. Walter, Charles Anthony, Clark Runyon, William A. Kills, Jacob M. Kills, and Harvey Vinal, and their associates, members of Springfield Lodge, number thirty three, of the Independent Order of Odd Fellows, of the State of Ohio, and their regular successors, be and they are hereby created a body corporate and politic, for the term of thirty years in succession, by the name and style of the Springfield Lodge, Number Thirty Three, of the Independent Order of Odd Fellows, of the State of Ohio, for the purpose of more effectually relieving the members, and their families, afflicted with sickness and disease, and who may be in distressed circumstances, and by that name shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, defend and be defended, in all courts and places, and in all matters whatever, with full powers and lawful authority to acquire, hold, use, occupy, and enjoy, by purchase, gift, grant, or devise, any personal or real property, in the town of Springfield, in Clark county, that may be necessary for carrying out the objects of said lodge, and the same to sell, convey, and improve, by erecting a building in the said town of Springfield; to make, have and use a common seal, and the same to alter, break, or renew, at pleasure; to appoint or elect such officers as they may deem necessary; to prescribe their general duties, and require of them such security as they may deem proper to secure the faithful performance of their duties; and they may renew them at pleasure; to make, ordain, establish, and put in execution, such bylaws, rules, and regulations, not inconsistent with the constitution and laws of this state and the United States, as shall be necessary for the good government of said society, and the prudent and official management of its concerns; provided that in no case shall any member be allowed more than one vote on the same question.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

January 27, 1844.

AN ACT

To authorize certain investments of the Fund bequeathed by Mrs. Eunice Buckingham, late of Putnam, in the county of Muskingum, deceased, for the purpose of Female Education.

Whereas, Mrs. Eunice Buckingham, late of Putnam, in the county of Muskingum, deceased, by her last will and testament, duly admitted to pro-

bate, and recorded in the court of common pleas, of said county of Muskingum, did, among other things, give and bequeath the sum of ten thousand dollars to the trustees, therein named, for the promotion of female education, and other objects therewith connected; and, whereas, the said trustees are desirous of obtaining the sanction of the general assembly for the investment thereof, as hereinafter provided—therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That* Alvah Buckingham, Solomon Sturges and Charles C. Convers, the trustees named in the said last will and testament, of the said Eunice Buckingham, deceased, the survivors and survivor of them and their successor or successors therein to be appointed in manner specified in the said last will and testament, be and they are hereby authorized and empowered, if they think proper so to do, to loan out, exempt from taxation, and secured upon real estate, the said sum of ten thousand dollars, so held in trust as aforesaid, or any part or parts thereof, for such period, or periods of time, and at such rate of interest, not less than six, nor exceeding eight per centum per annum, as may be agreed upon by the parties; and the said fund, or any part or parts thereof, from time to time, as they may think proper, again, and again in like manner, to loan out and reinvest.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

January 29, 1845.

AN ACT

To amend the act entitled "An act to incorporate the Cincinnati Savings Institution."

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That* the corporation created by the act entitled "an act to incorporate the Cincinnati Savings Institution," passed March seventh, one thousand eight hundred and thirty one, shall hereafter be governed and directed by a board of six directors, who shall be citizens of the United States.

SEC. 2. The first board of directors, as aforesaid, shall be elected on the first Monday in March, one thousand eight hundred and forty five, by the then depositors in said institution, who shall have one vote for every twenty dollars in deposit, excluding all fractions under that sum, and the six persons having the highest number of votes shall be said board, two of whom shall serve for one year, two for two years, and two for three years, to be determined by lot immediately after the organization of said board.

SEC. 3. The depositors in said institution of six months standing, or their assignees, after the first election in one thousand eight hundred and forty five, shall meet on the first Monday in March of each year, and elect two directors to serve for the three next years; and at all such elections, said depositors, or their assignees, shall be entitled to one vote for every twenty dollars in deposit for, and over, six months, and the two persons having the highest number of votes, shall be the persons elected.

SEC. 4. All said elections shall be held at the place of business of said institution, in Cincinnati, between the hours of ten o'clock, A. M., and three o'clock, P. M., under the supervision of two persons chosen as judges by the board of directors; and the present board of directors shall have power to chose such persons as judges, to superintend the first election, as aforesaid.

SEC. 5. All vacancies in said board, other than the expiration of classes, as aforesaid, shall be filled by the remaining members of the board; and every member who shall omit to attend to the duties devolving on him, for sixty days at any one time, without leave of absence, shall be considered as having vacated his seat.

SEC. 6. Each member of said board shall be responsible to the same extent that trustees are now by law responsible, in law and equity, and shall be subject to be removed at the instance of any one interested, through the aid of a court of chancery, in the same manner, and for the causes, that any trustee may be removed in chancery.

SEC. 7. The said directors shall invest all moneys deposited in said institution, in such manner as they shall deem most beneficial, at any rate of discount or interest not exceeding seven per centum per annum; provided that the funds of said institution shall not be invested in the stocks or bonds of any banking, turnpike, or railroad company, nor in the stock of any private association or company.

SEC. 8. The said directors shall, on the first Monday in January and July in each year, after reserving such contingent fund as they may deem advisable, declare a dividend among the depositors, whose deposits have been in said institution for six months and over, of the surplus profits on hand.

SEC. 9. In case said institution should neglect, or refuse, on due demand, to pay any deposit according to contract, then said institution may be proceeded against in chancery, as other trustees may be proceeded against, and thereon the chancellor shall decree as equity may require to all concerned.

SEC. 10. The said institution shall be capable of receiving, in trust and deposit, all moneys that may be committed to them, by any person, as may be agreed on, and of making any other contract for receiving on deposit and loaning money that it would be lawful for natural persons to make; provided that no deposit in the name or for the benefit of any one person shall exceed one thousand dollars exclusive of the accumulated profits thereon.

SEC. 11. That deposits received by said institution, from minors, married women, single women, who afterwards marry, or other persons, shall be subject to the individual control of such depositors; and all deposits made for minors, married women, or charities, shall be controlled, managed, and accumulated and paid out, as such depositors shall direct.

SEC. 12. That said institution shall not deal in exchange, or buy any bank paper, or the paper of individuals, for a less sum than it purports to be worth on its face, nor do any other act except to receive on deposit and loan at an interest not exceeding seven per centum on the money so deposited, and if any of the officers or other persons, having the control of the affairs of said institution, shall in any way willfully violate the provisions of this act they shall be individually liable in their private capacity for all sums deposited with said institution.

SEC. 13. So much of the act, hereby amended, as is inconsistent with

this act, is hereby repealed, and this act shall take effect from and after the twenty eighth day of February, one thousand eight hundred and forty five.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

January 29, 1845.

AN ACT

To incorporate the Cincinnati Firewood Company.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That whereas, John D. Jones, Erastus Poor, William H. Brisbane, E. M. Gregory, Lary Anderson, A. P. Holden, Edward P. Cranch, and others, have associated themselves under the title of the Cincinnati Firewood Company, and as such hold property. The object of said company being to give employment to the poor, and furnish them wood in small quantities to suit their means, and at a uniform price; and the ends being solely and entirely charitable, therefore, the said company are hereby created a body corporate, under the name aforesaid, with perpetual succession, and in such name shall have power to acquire, hold, and enjoy, such property, real and personal, as may be proper for the attainment of the objects of the company, by purchase, donation, or otherwise, and such rights and privileges as may be necessary and convenient for the proper management and control of the same, and the same to dispose of as may be most conducive to the best interests of the company. And said company shall have power to contract and be contracted with, to sue and be sued, plead and be impleaded, to answer and be answered unto, in all courts having competent jurisdiction in the premises; and said company shall have power to use a common seal, and the same to alter; to make bylaws, and such other regulations as shall be thought necessary and proper for the good government of the affairs of said company, not incompatible with the constitution of the United States, or the constitution or laws of this state, and the same to alter and amend, subject, however, to the following restrictions, viz:

First: The board of directors hereinafter provided for, shall contract no debts beyond the means of the society to pay promptly, with money on hand, or debts whose payment may with certainty be relied on; for all amounts beyond this, said board shall be personally responsible.

Second: The said company shall, neither by its own act, nor that of its officers or agents, create, in any manner, a mortgage or any other lien, on any real estate which may now or shall hereafter belong to said company.

Sec. 2. That the property of said company be divided into shares, the number to be determined, and the value and mode of sale fixed by the company according to its own constitution or bylaws formed under this charter.

Sec. 3. That the management of the aforesaid company be confided to a board of directors, who shall be chosen in accordance with, and

whose number and duties shall be defined in the constitution and bylaws formed under this charter.

SEC. 4. That if, at any time hereafter, the before mentioned board of directors shall become satisfied from experiment that the objects of said company cannot be carried out, and that its funds and property are being expended to no purpose, as intended by the company, the said board of directors shall have power to call a meeting of the stockholders to consult on the propriety of transferring the funds and property of said company to such benevolent or charitable institution or institutions as shall, to a majority of said board of directors, seem most expedient; and a majority of the stockholders present, at said meeting, have power to vest the majority of said board of directors with power to wind up and close the affairs of said company in this manner.

SEC. 5. That it shall not be lawful for said company to transact any other business than that which has heretofore been mentioned in the first section, that is to say, the procurement and supply of firewood, in a manner to benefit the poor.

SEC. 6. This act shall be regarded as a public act, and shall take effect from its passage.

SEC. 7. That this act shall continue in force for the term of thirty years, and no longer.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

January 29, 1845.

AN ACT

To authorize the Commissioners of Clark county to subscribe to the capital stock of the Little Miami Railroad Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Clark county are hereby authorized to subscribe, on behalf of said county, to the capital stock of the Little Miami Railroad Company, any sum not exceeding forty thousand dollars, and for the purpose of paying such subscription said commissioners are hereby authorized to make and issue the bonds of said county, bearing interest at a rate not exceeding six per centum per annum, payable to said company, or any other person or persons, or body corporate; provided that no such bond shall be issued for any sum less than one thousand dollars.

SEC. 2. That the commissioners, aforesaid, shall have power to control the stock subscribed under the provisions of this act, to sell the same or any part thereof, and apply the proceeds to the payment of the bonds issued, but to no other purpose whatever, to provide for the payment of the annual interest, and for the final redemption of the bonds so issued, and such other powers as may be necessary to carry into effect the provisions of this act.

SEC. 3. That the commissioners, aforesaid, shall give at least three weeks notice to the qualified electors of Clark county, to vote at the annual

election to be held on the first Monday in April, in the year one thousand eight hundred and forty five, for or against the subscription authorized by this act, and if a majority of the electors, aforesaid, voting for, or against a subscription, shall be in favor of the same, then such subscription may be made, and not otherwise.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

January 31, 1845.

AN ACT

To amend the act entitled "An act to incorporate the Western Fire Engine and Hose Company, Cincinnati."

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That so much of the fourth section, of the act entitled "an act to incorporate the Western Fire Engine and Hose Company, of Cincinnati," passed January twenty first, one thousand eight hundred and forty two, as provides, "that the members of said company shall be held individually liable for all debts contracted by the same," be and the same is hereby repealed.*

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

January 31, 1845.

AN ACT

To amend an act entitled "An act incorporating the first Presbyterian Society, in Cincinnati," passed January twelfth, one thousand eight hundred and seven.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That the clear annual income of said corporation, as specified in the third section of the act to which this is an amendment, shall not exceed the sum of ten thousand dollars, any thing therein contained, to the contrary notwithstanding.*

SEC. 2. *That so much of said third section as is inconsistent with this act, be and the same is hereby repealed.*

SEC. 3. *This act to be in force from and after its passage.*

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

January 31, 1845.

AN ACT

To incorporate the town of Dublin, in the county of Franklin.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That so much of the township of Washington, in the county of Franklin, as now is, or hereafter may be, included in the recorded limits of the town plat of the village of Dublin, in said county, be and the same is hereby created a town corporate to be known and designated by the name of Dublin, and shall in all respects be governed by the provisions of an act entitled "an act for the regulation of incorporated towns," passed February sixteenth, one thousand eight hundred and thirty nine, and all other acts now in force, that may hereafter be passed, regulating the same.

SEC. 2. That any five qualified electors, residing within the recorded limits of said town, may call the first meeting under this act, by posting written or printed notices, of the time and place of such meeting, in three of the most public places in said town, at least ten days previous to such meeting; provided such meeting shall be held within six months from the passage of this act.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

January 31, 1845.

AN ACT

To authorize the sale of the west half of section twenty, township eighteen, range twenty, lying in Congress township, Richland county, belonging to fractional township number fourteen, range twenty one, in the county of Marion, for the use of schools in said fractional township.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the west half of section number twenty, of township eighteen, range number twenty, lying in Congress township, Richland county, belonging to original surveyed fractional township number fourteen, of range twenty one, in the county of Marion, for the use of schools in said fractional township, be and the same is hereby authorized to be sold; and such sale shall in all respects be governed by the provisions of an act entitled "an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto," passed February second, one thousand eight hundred and forty three; provided said land shall not be sold for less than five dollars per acre.

SEC. 2. That so much of an act entitled "an act to authorize the sale of the west half of section twenty, township eighteen, range twenty, lying

in Richland county, belonging to Gilead township, in Marion township, for the use of schools," passed February twenty eighth, one thousand eight hundred and forty three, as relates to the west half of section number twenty, aforesaid, be and the same is hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

January 31, 1845.

AN ACT

To incorporate the Milan and Richland Plank Road Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Nathan Jenkins, Hiram McMillen, John Smith, Esq., James C. Lockwood and Thomas Hamilton, of the county of Erie, Aaron Davenport, David Johnson, of the county of Huron, and George Weaver, of the county of Richland, and all other persons who shall become associated with them by subscribing to the capital stock of said company, be and they are hereby constituted and declared a body corporate and politic, with perpetual succession, by the name and style of the Milan and Richland Plank Road Company, for the purpose of constructing a plank road from the town of Milan, in Erie county, to Ashland or Haysville, in Richland county, at the option of the directors of said company, and by such route, as the directors of such company shall deem most eligible; provided that the line of said plank road, so far as the same may be made through the county of Richland, shall at no point in said county approach nearer than five miles to the Mansfield and Sandusky City Railroad, as the same is now located, nor nearer than ten miles to the town of Mansfield; and for such purposes, the said company is hereby authorized and empowered to have and receive, purchase, possess, enjoy and retain lands, rents, goods, chattels and effects of any kind, and to any amount necessary to carry into effect the objects of the corporation, and the same to use, sell, alien and dispose of at pleasure, to sue and be sued, defend and be defended, in all courts having competent jurisdiction, to have and use a common seal, the same to alter, break and renew at pleasure, to ordain and establish such rules, regulations and bylaws as may be necessary for the well being of said corporation, subject, however, to the restrictions and limitations contained in this act.

SEC. 2. That the capital stock of said company shall consist of one hundred thousand dollars, divided into shares of fifty dollars each, and shall be transferable in entire shares, in such manner as the rules of the corporation prescribe, provided that no stockholder, without the consent of the directors, shall be at liberty to transfer his stock, after any installment is ordered, until such stockholder shall have paid the amount due on his stock.

SEC. 3. That the persons named in the first section of this act, or in

case they should not all choose to serve, then any number of them, not less than five, shall be commissioners to receive subscriptions, and do and perform all necessary acts to organize the company, and they are hereby authorized and empowered to cause books to be opened at such times and in such places as a majority of those acting shall think proper, to receive subscriptions to the capital stock of said company; the commissioners may, if they think proper, require ten per centum of the amount of each subscription to be paid at the time it is subscribed, and each subscriber shall be bound to pay from time to time, such installments on his, her or their stock as the directors may lawfully require.

SEC. 4. That when three hundred shares shall be subscribed, the commissioners shall call a meeting of the subscribers, by causing notice of the time and place of such meeting to be published in some newspaper, in general circulation, in the places where the books shall have been opened and the stock subscribed, for thirty days next preceding such time of meeting, and on such notice being given the stockholders shall meet at the time and place appointed, and select directors, and adopt such bylaws and regulations, for the government of the corporation, as shall be lawful and expedient; the stockholders to vote in person or by proxy, each share to be entitled to one vote.

SEC. 5. That the affairs of said company shall be managed by five directors, or a majority of them, who shall be elected by the stockholders, once in three years; unless a shorter period shall be ordained by the bylaws of the corporation, and they shall hold their offices until their successors shall be chosen and qualified, and each director shall be a stockholder at the time of his election, and shall cease to be a director when he ceases to be a stockholder; the directors shall have power to fill all vacancies in their own board, which shall happen from death, removal or otherwise.

SEC. 6. That the directors, before entering upon the discharge of their duties, shall take an oath or affirmation, faithfully and impartially to discharge their duties; shall choose a president from among their number; shall appoint such other officers and agents as shall be provided for by the bylaws; determine upon the amount of any bonds that they may see fit to exact from any officers of the company, and pass upon their sufficiency; determine the amount of installments to be called for, upon subscriptions; declare dividends, and take the general charge and supervision of the affairs of said company.

SEC. 7. It shall and may be lawful for said directors to enter upon and take possession of any lands, roads, streets, alleys, stone, timber and earth necessary for the laying out and construction of said plank road, and all necessary appurtenances and appendages, doing no unnecessary damage; having first tendered or secured to the party injured the value thereof or the damages sustained by said appropriation; and in case any land or materials, &c., wanted to be appropriated for the purposes aforesaid, shall not be given or granted to said corporation, and the proprietor or proprietors cannot, or do not agree with the directors as to the amount of damages or compensation which ought to be allowed or paid for the same, and shall not mutually agree on some person or persons to appraise the damages, it shall be lawful for the directors to apply to any judge of the court of common pleas of the county in which said damages shall arise, not a stockholder in

said company, who shall appoint three disinterested freeholders of said county to assess the damages; and the directors shall give notice to said persons of their appointment, and also to the claimant or claimants, his or their agent or attorney, or advertise the same in some newspaper in general circulation in the vicinity thereof; and it shall be the duty of the persons so appointed to attend at the time and place so specified in the notice, who, after being duly sworn or affirmed faithfully and impartially to discharge their duties, shall proceed, on actual view, to make estimates, and appraise any damage such owner or owners may sustain, taking into consideration the benefits such owner or owners may derive from said improvement, and shall make a certificate of such appraisement, with a particular description of the premises if necessary; to which certificate they or a majority of them shall sign their names, and deliver to each party a copy, if requested, and immediately thereafter, if no damages are assessed, or on the payment or tender of the money, to the amount of damages assessed, to the person or persons entitled thereto, or their agent, attorney or legal representatives, the said directors may proceed to enter upon and occupy said lands, or use such materials, and a complete title thereto, to the extent and for the purposes set forth in, or contemplated by, this act, shall be thereby vested, and forever remain in said company; provided, however, that if either party shall consider themselves aggrieved by the decision of the appraisal so as aforesaid made, such party may apply to the court of common pleas of the proper county, at the succeeding term of said court, or if there should not be a quorum of said court, disinterested, then to the supreme court at their next term in said county, giving ten days notice of such intention to the adverse party, and the said court, upon good cause shown, shall appoint three disinterested freeholders, who shall, after being duly qualified, proceed to view and appraise the damages, and shall certify their proceedings in the same manner as the former appraisers, and their decision shall be final and determinate; but the pendency of any such application to the court shall not, in the mean time, hinder the progress of the work; and provided further, that the said company shall not take possession of more than sixty feet in width for said road.

SEC. 8. That whenever said company shall have constructed the said plank road by covering the same with plank, not less than two and a half inches thick, and of sufficient width for the accommodation of teams, and shall have completed the same in a good and substantial manner, the same shall forever thereafter be and remain a public highway, free for the passage of animals, teams and travelers of every description, on payment of such tolls as the board of directors may establish from time to time, under the provisions of this act.

SEC. 9. That in consideration of the expenses which said company will necessarily incur, in constructing said road, with the appurtenances thereof, and in keeping the same in repair, the said road and its appurtenances, together with all tolls and profits arising therefrom, are hereby vested in said corporation, and the same shall be forever exempt from any tax, imposition or assessment whatever.

SEC. 10. That on every five miles of said road, when so much shall be completed according to the true intent and meaning of this act, the president and directors shall have power to erect tollgates, and ordain and estab-

lish a rate of tolls, which shall be paid upon all animals, teams, travelers and property of every description passing on said road, and for the collection of said tolls, they shall appoint collectors and erect gates and tollhouses, and may ask, demand, and receive the said tolls under this act; provided however, that they shall in no case exceed the rates now charged on the Western Reserve and Maumee road, to be graduated by the board of directors.

SEC. 11. That whenever the whole or five miles of said road shall be completed, the president and directors of said company may apply to the court of common pleas, of any county through which said road may pass, whenever the same is in session, or to any judge thereof, in vacation, not interested in said road, whose duty it shall be to appoint three disinterested freeholders, commissioners to examine said road, and if said commissioners shall be of opinion that said road is constructed according to the true intent and meaning of this act, they shall give to said president and directors a certificate thereof, which shall entitle said company to demand tolls under this act.

SEC. 12. That said company and the corporators thereof, shall be subject to the provisions of all acts, and also entitled to the benefits of all acts now in force, or which may hereafter be enacted, for the purpose of governing and regulating turnpike companies generally, in this state, not inconsistent with this act, and also "an act instituting proceedings against corporations not possessing banking powers, and the visitatorial powers of courts, and to provide for the regulation of corporations generally," passed March seventh, one thousand eight hundred and forty two.

SEC. 13. That the village of Norwalk, in the county of Huron, shall be made a point in the said road; provided, however, if the expenses of constructing the same by way of Norwalk aforesaid, shall exceed the expense of making said road by any other direct route, then the directors may require that such excess shall be subscribed either in stock or in donation to said company, within a reasonable time, by the inhabitants of said village or any others interested therein, who shall subscribe for that purpose.

SEC. 14. That in case said road shall not be commenced within two years, and at least ten continuous miles finished within five years from the passage of this act, all privileges granted by this act shall be null and void.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

January 31, 1845

AN ACT

To authorize the commissioners of Wood county, to construct so much of the State Road leading from Perrysburg, in Wood county, to Bucyrus, in Crawford county, commonly called the McCutchenville road, as lies between Indiana Avenue, in said Perrysburg, and the south line of township five, North, of Range twelve, in Wood county, and to levy a tax to pay for the same.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That the commissioners of the county of Wood, be and they are hereby author-*

ized to put under contract and construct so much of the state road leading from Perrysburg, in Wood county, to Bucyrus, in Crawford county, commonly called the McCutchenville road, as lies between Indiana Avenue, in said Perrysburg, and the south line of township five, north, of range twelve, in Wood county, and make the same a good road.

SEC. 2. That for the payment of all the work to be done under the provisions of the foregoing section, the county auditor of Wood county is hereby authorized to issue orders upon the treasurer of Wood county, on the certificate of the aforesaid commissioners, to the different contractors or laborers on said road, of the amount due them, payable out of the fund hereinafter provided for, and said orders shall draw interest from their date, until paid at the rate of six per centum per annum, to be paid annually on the first day of March.

SEC. 3. That in order to raise a fund for the payment of said orders, and the interest thereon, the county commissioners of the county of Wood, be and they are hereby authorized and required to levy a tax, annually, at their June session, not to exceed five mills on the dollar of the valuation, on all the real estate within the corporate limits of the said town of Perrysburg, and on all the outlots to said town without the corporate limits of said town, commonly known as the new survey of outlots to said town of Perrysburg, and a tax not to exceed ten mills on the dollar of the valuation on sections sixteen, seventeen, twenty, twenty one, twenty two, twenty five, twenty six, twenty seven, twenty eight, thirty three, thirty four, thirty five and thirty six, in township four, in the Twelve Mile Square Reservation; on all the real estate in the east two thirds of fractional township six, north, of range eleven; on all the real estate contained in sections seven, eighteen, nineteen, twenty, twenty eight, twenty nine, thirty, thirty one, thirty two, thirty three and thirty four, in township six, north, of range twelve; on all the real estate in the east third of township five, north, of range eleven; on all the real estate contained in sections three, ten and fifteen in said last named township, and on all the real estate contained in the west two thirds of township five, north, of range twelve, as the same is or may be on the grand levy for state and county purposes; the sums levied as aforesaid to be added to the duplicate and collected in the same manner as state and county taxes are collected.

SEC. 4. The amount of said taxes when collected shall be kept in a separate fund from all other taxes, by the county treasurer of Wood county, said fund to be called the McCutchenville road fund, and shall be applied to the payment of all orders and interest thereon, mentioned in section two of this act, and for no other purpose, and the faith of the said county of Wood shall be pledged for the redemption of said orders and interest on them under the provisions of this act. The county commissioners of Wood county shall levy said tax at their June session in the year one thousand eight hundred and forty five, and at their June session in each year thereafter, until said orders shall be paid in full, and any balance remaining on hand shall be applied to keeping said road in repair, and to no other purpose.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

January 31, 1845.

AN ACT

To amend the act incorporating "the Granville Literary and Theological Institution."

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the collegiate institution, heretofore known by the name and style of "the Granville Literary and Theological Institution," shall hereafter be designated "Granville College," and as such shall enjoy all the rights and privileges, and be subject to all the restrictions and limitations of its original act of incorporation, and the act amendatory thereof, and shall also be invested with all the benefits and franchises enjoyed in common by the colleges and universities of the state generally; provided that nothing contained in this section shall be so construed as to require the state to make any appropriation for the support of said college.

SEC. 2. The trustees of the institution may, as their ability shall increase, and the interests of community require, erect additional departments for the study of any or all of the liberal professions.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

February 3, 1845.

AN ACT

To extend the corporate limits of the town of Sidney, in Shelby county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the corporate limits of the town of Sidney, in Shelby county, shall be so extended as to include all those two several plats of lots laid out, and recorded, one by George W. Dixon, and the other by Charles Starrett, as additions to the said town of Sidney.

SEC. 2. That all the territory hereby attached to, and included within, the corporate limits of said town, shall hereafter be under the same laws and ordinances as are or shall be in force for the regulation and good government of said town.

SEC. 3. This act to be in force from and after its passage.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

February 3, 1845.

AN ACT

To incorporate the Hamilton and Jacksonburg Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That J. W. Erwin, L. D. Campbell, Andrew McCleary, Henry Snively, John Weaver, and William Miller, of the county of Butler, and Christian Saylor of the county of Preble, and their associates, be and they are hereby created a body politic and corporate, by the name of the Hamilton and Jacksonburg Turnpike Road Company, for the purpose of constructing a turnpike road, commencing at a suitable point, at the corporation line of the town of Hamilton, in the county of Butler, and thence north, across Old river, and the island called Millikin's Island; thence across New river to the most suitable point on the north side of said New river; thence north to a point on the state road, leading from Jacksonburg to A. Torbert's; thence to Jacksonburg, having in view the said state road; thence along the state road aforesaid, the nearest and best way to intersect the Middletown and West Alexandria Turnpike Road, at or near the bridge across Elk creek, or at the southwest corner of the farm of John Long, in the county of Preble, or to commence at a point at or near A. Torbert's, on the Hamilton and Eaton Turnpike Road, embracing either of the points as above defined; a location of either barring all rights and privileges to the other, which company shall have all the rights, privileges and powers, and be subject to all the restrictions defined in the "act to provide for the regulation of turnpike companies," passed January seven, one thousand eight hundred and seventeen, and the several acts amendatory thereto, except in so far as the same may be modified or changed by the special provisions of this act.*

SEC. 2. The capital stock of said company shall be one hundred thousand dollars, divided into shares of twenty five dollars each.

SEC. 3. That the above named commissioners, or a majority of them, shall meet at such time and place as they may think proper to appoint, after the passage of this act, and proceed to organize the said company, and to take order for the opening of books for the subscription of stock, agreeably to the second section of the said act to provide for the regulation of turnpike companies.

SEC. 4. That as soon as five thousand dollars of stock shall be subscribed, the above named commissioners shall call a meeting of the stockholders in the manner prescribed in the third section of the said act to provide for the regulation of turnpike companies, for the election of five directors, for the government of said company.

SEC. 5. That said company be and they are hereby authorized to demand and receive from persons traveling said road the following tolls for every ten miles travel on said road, and in the same proportion for a less distance, to wit:

For every four wheeled carriage drawn by two horses or oxen, twenty five cents; for every horse or ox in addition, five cents;

For every sled or sleigh drawn by two horses or oxen, ten cents; and for every horse or ox, in addition, five cents;

For every horse and rider, five cents;

For every horse, mule or ass, six months old or upwards, led or driven, three cents;

For every head of neat cattle, six months old or upwards, one cent;

For every head of sheep or hogs, one half cent;

For every four wheeled pleasure carriage, drawn by two horses, thirty cents; for every horse in addition, five cents;

For every two wheeled pleasure carriage, drawn by one horse, ten cents;

For every four wheeled pleasure carriage drawn by one horse, twenty cents;

For every cart drawn by one horse or two oxen, ten cents; for every horse or ox in addition, five cents.

SEC. 7. That whenever five continuous miles of said road is completed according to the provisions of the said act, for the regulation of turnpike companies, the aforesaid company may erect a gate and receive tolls from persons traveling said road at the above specified rates, provided that such persons shall be exempt from paying tolls as are exempted in the eleventh section of the aforesaid act, with the addition of persons going to and from elections, for the regulation of turnpike companies, saving only persons conveying public mails of the United States, which last mentioned persons shall not pass free as in the said act provided.

SEC. 8. That said company and the corporators thereof shall be subject to the provisions of all acts now in force, or which may be hereafter enacted for the purpose of governing and regulating turnpike companies generally, in this state, and also an act instituting proceedings against corporations not possessing banking powers, and the visitatorial powers of courts, and to provide for the regulation of corporations generally, passed March seventh, one thousand eight hundred and forty two.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

February 3, 1845.

AN ACT

To incorporate the Ohio Baptist Book and Tract Society.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That John L. Moore, J. B. Wheaton, David E. Thomas, T. W. Edward, Jared Cone, Jr., John M. Courtney, Peter Mills, Charles G. Wilson, Francis R. Potts, Samuel Ashmore and George Rishtine, their associates, and those who may become associated with them, are hereby created a body corporate and politic, with perpetual succession, by the name of the Ohio Baptist Book and Tract Society, auxiliary to the American Baptist Publication Society, and by that name shall have power to make and have a common seal, to sue and be sued, contract and be contracted with, and do and perform all acts and things not prohibited by law, as fully as natural persons.

Sec. 2. That the association, by the name aforesaid, shall be capable of acquiring and holding such personal and real estate, not exceeding twenty thousand dollars in value, for the purpose of carrying out the objects of the association, and the same to sell and convey at pleasure, to make and ordain all such bylaws, rules and regulations, and appoint such officers and agents as they may think proper, provided that such bylaws and ordinances shall not be inconsistent with the constitution and laws of the United States.

Sec. 3. That said association is hereby declared to be created for the purpose of diffusing religious truths, by means of a depository or depositories of books and tracts, and the circulation and sale of the same, and for no other purpose, and they are hereby invested with all needful powers to carry into full effect the provisions of this act.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 3, 1843.

AN ACT

For the support and better regulation of Common Schools in the city of Columbus.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the electors in the several wards of the city of Columbus, qualified to vote for members of the city council, shall, at the time and place of holding the annual election for said members of the city council in the spring of one thousand eight hundred and forty five, meet in their respective wards, and elect six directors of the common schools for the city of Columbus; two of whom shall serve one year, two for two years, and two for three years; the order of seniority to be determined by lot by such directors after their election; and annually thereafter, at the time and place above specified, there shall in like manner be two directors elected who shall serve for three years, and until their successors are elected and qualified. All vacancies which may occur shall be filled by the city council.

Sec. 2. The said directors, within ten days after their first appointment, as aforesaid, shall meet and organize by choosing from their number a president, secretary, and treasurer; and such treasurer, before entering on the duties of his said office, shall give bond and security, to be approved by the town council, and filed in the office of the mayor of said city, conditioned for the faithful disbursement of all moneys that shall come into his hands as such treasurer; which bond shall be made payable to the State of Ohio, and when such bond shall be forfeited, it shall be the duty of the town council to sue and collect the same, for the use of the common schools in said town; and the said directors, so organized and qualified, and their successors in office, shall be a body politic and corporate in law, by the name of the Board of Education of the town of Columbus; and, as such, and by said name, shall be authorized to receive all moneys accruing to

said town, or any part thereof, for the use and benefit of the common schools in said town; and the said board shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, in any court of law or equity in this state; and shall also be capable of receiving any gift, grant, donation, or devise, made for the use of the common schools in said town; and said board, by resolution, shall direct the payment of all moneys that shall come into the hands of said treasurer; and no money shall be paid out of the treasury, except in pursuance of such resolution, and on the written order of the president, countersigned by the secretary.

SEC. 3. That said board shall hold its meetings at such time and place as they may think proper; that any four of said board shall constitute a quorum; that special meetings may be called by the president or by any two members of the board, on giving two days notice of the time and place of holding such meetings; but at no special meeting, except all the directors be present, shall any resolution in relation to sites for school houses, or financial resolution or order be passed, unless the two days notice, as aforesaid, be given, and the subject or subjects to be acted on, be specified in the notice, and a quorum of at least four members be present.

SEC. 4. That at the annual election for town council, in the spring of one thousand eight hundred and forty five, a vote shall be taken, whether or not a tax shall be levied for the purpose of erecting school houses for the use of common schools in said town, and said vote shall be taken in the following manner: every voter in favor of levying such tax, shall place on his ticket the word "Tax," and every voter who is against levying such tax, shall place on his ticket the words "No Tax."

SEC. 5. That if there shall be a majority of all the votes given at such election in favor of levying such tax, the said board of education, within thirty days thereafter, shall report to said town council the number and description of buildings necessary for the purposes of the common schools in said town, which report shall be in writing, and shall specify the amount of money necessary to be raised to meet the expense of erecting such buildings, and, thereupon, the said town council shall proceed to levy a tax sufficient to meet such expenses, the same to be levied and collected as other taxes of said town are or may be; provided that no part of such tax shall be levied upon the property of any black or mulatto person.

SEC. 6. That, thereupon, it shall be the duty of said town council, at the expense of said town, to cause to be erected, under the supervision of said board, such school buildings as may be described in their said report; the said buildings to be erected first are to be put upon the lots already belonging to the common schools in said town.

SEC. 7. That if there shall not be a majority of all the votes given at such election in favor of levying such tax, then the said board, within thirty days thereafter, shall report to said town council in writing, an estimate of the amount of rent for rooms necessary to accommodate the common schools in said town, and for firewood, and, thereupon, the said council shall every year levy a tax sufficient to cover said rent and firewood, the same to be levied and collected as other taxes of said town are or may be.

SEC. 8. That said town council shall cause twenty days previous notice

to be given of the time and place of taking said vote of tax, or no tax, which notice shall be published in one or more newspapers in said town, and shall be posted up in the most conspicuous parts of said town; and if, on the first trial, a majority of all the votes given at such election should not be in favor of levying such tax, the same vote may be taken the next year, and so on from year to year, the same notice being given as aforesaid.

Sec. 9. It shall be the duty of the board of education to employ all necessary male and female teachers, to establish rules and regulations for the government of both teachers and scholars, and to enforce the same by the removal of those teachers, and the expulsion of those scholars who may violate them; they shall keep said schools in constant operation, except during reasonable vacations, to be by them established; and should the public money be found insufficient for that purpose, the deficiency may be raised at the end of every term of the school, by a levy made on the parents and guardians of the scholars, who may have attended under such regulations as to the time of attendance as the board may adopt; the teachers in said schools shall be required to keep lists of the names of all scholars attending said schools, the amount of the daily attendance of each, and the name of his parent or guardian, which lists they shall, at the expiration of every term, deliver to the board; and it shall be the duty of the treasurer, within twenty days thereafter, if there be a deficiency of the public money, to notify the parents or guardians of the amount levied upon each; which levy, if not paid within twenty days after such notice given, shall be left with a proper officer for collection; provided that the board may exempt from charge such persons as in their opinion are not able to pay.

Sec. 10. It shall be the duty of the board, by its secretary and treasurer, on or before the first Monday in April, in every year, to make report in writing to the town council, of all moneys received, how and for what purpose expended, with the proper vouchers, and such other information in relation to said schools as they may deem important; also such as may be asked for by the council, and the council shall cause such report to be published, or so much thereof as they may deem necessary, the report itself being left with the mayor of the town, open to public inspection.

Sec. 11. All legal titles to property acquired under this act shall be in the name of the town of Columbus, and the council, with the consent of the board, shall have power to lease any unoccupied part thereof, and the building or buildings thereon, the rent arising therefrom to go into the common school fund of said town; and the council, by and with the consent of the board, shall have power to sell and convey any property, the title of which shall, as aforesaid, be vested in the town of Columbus, and expend the money arising from such sale in other like property, evidence of such consent, by such board, being given by the president and secretary, acknowledging the same before some person authorized to take the acknowledgment of deeds, and the indorsement thereof upon the deed of conveyance; and all real estate, whether held by equitable or legal title, now belonging to said common schools, is hereby vested in said town of Columbus, for the purposes aforesaid.

Sec. 12. Until such buildings, as hereinbefore provided for, shall be erected and completed, it shall be the duty of the town council, under the

advice of the board of education, to rent suitable rooms for schools, and said board shall conduct the schools as hereinbefore provided; it shall be the duty of said board to report to the council an estimate, yearly, of the probable expense of repairs and furniture for said rented rooms, and it shall be the duty of said council to cause the amount of such estimated expense, together with the rent, to be levied and collected as hereinbefore provided, with the other taxes of the town, and it shall be the duty of the board to report to the council, as is already provided in this act, in other cases, the manner in which the same has been expended.

SEC. 13. The town council shall, immediately after the appointment of directors, as hereinbefore provided for, appoint three persons to serve as school examiners of said town, all of whom shall be citizens of Columbus, one to serve till the first Monday in April, one thousand eight hundred and forty six, one till the first Monday in April, one thousand eight hundred and forty seven, and one till the first Monday in April, one thousand eight hundred and forty eight, and till their successors are qualified; and annually, at the first regular meeting of the city council after the annual election for members of that body, they shall appoint one person for examiner, to serve for three years, and till his successor is qualified; and the council shall fill all vacancies that may occur by death, removal, or otherwise; the examiners, or any two of them, shall examine such persons as may apply for that purpose, and if they find the applicant qualified, they shall give him a certificate, naming the branches he is qualified to teach, that they have carefully inquired into his character, and believe it to be moral and good, that they believe him well qualified to govern and teach; they shall also, in every case, where two concur, have power to annul any certificate previously given, and the person holding the same shall be discharged from the public schools; they shall also separately, or otherwise, together with such other persons as may be appointed by the mayor, visit said school, observe the discipline, mode of instruction, progress of the scholars, and such other circumstances as they may deem of interest; and, semi-annually, at such times as the board of education shall appoint, they shall report their proceeding to the town council, and to the board of education, with such suggestions as they may think proper, the publication of which shall be in the discretion of the town council.

SEC. 14. Annually, at such time as the board shall appoint, public examinations of all the schools, shall be had under the direction of the mayor, the board of education, and the examiners.

SEC. 15. So much of the general school law as is inconsistent with this act, is hereby repealed as to said town of Columbus.

SEC. 16. Any future legislature may alter, annul or repeal this act.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
 DAVID CHAMBERS,
Speaker of the Senate.

February 3, 1845.

AN ACT

To incorporate the Young Men's Book Association of West Canaan, in the county of Madison.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Elihu Knapp, Nelson Larkin, Luther Lane, Henry Alden, Wm. D. Wilson, Alvan Harrington, and their associates, and those who may hereafter be associated with them, be and the same are hereby created a body politic and corporate by the name and style of the Young Men's Book Association of West Canaan, county of Madison, and shall have all the rights, privileges and powers, and be subject to all the restrictions defined in the act entitled "an act to regulate incorporated literary societies," passed March seventh, one thousand eight hundred and thirty nine.

SEC. 2. That the above named corporators, or any three of them, shall give ten days notice, by posting up written or printed advertisements, in at least three of the most public places in the township of Canaan, in the county of Madison, of the first meeting under this act.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 3, 1845.

AN ACT

To erect the new county of Wyandott, and alter the boundaries of the county of Crawford.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That such parts of the counties of Crawford, Marion, Hardin and Hancock, as are embraced within the boundaries hereinafter described, be and the same are hereby erected into a separate and distinct county, which shall be known by the name of Wyandott, and the seat of justice within and for said county shall be and is hereby fixed and established at, or in the immediate vicinity of, Upper Sandusky, to wit: beginning at the southeast corner of section ten, in township four, south, in range fifteen of the public survey of lands, in Marion county, and running thence north on the sectional lines, through Crawford county, to the north line thereof, between sections two and three, in township one, south, in range fifteen, aforesaid, which line shall form the east boundary of said county of Wyandott, and the west line of Crawford county; thence west on the base line to the northwest corner of section two, in township one, south, of range twelve, in Hancock county; thence south on the sectional line to the northeast corner of section twenty two, in the township and range last aforesaid; thence west on the section line to the northwest corner of said section twenty two; thence south on the sectional line to the south line of said township, as originally surveyed, between sections thirty three and thirty four; thence west on said township line to the northwest corner of section five, in township two, south, of the range last aforesaid; thence

south on the sectional line, through said township two, to the south line thereof, at the northwest corner of section five, in township three, south, of the range last aforesaid, in the county of Hardin; thence east to the northeast corner of said section five; thence south on the sectional line to the southwest corner of section nine, in township four, south, in the range last aforesaid; thence east to the northwest corner of section thirteen, in the township and range last aforesaid; thence south to the southwest corner of said section thirteen; thence east on the sectional line to the southeast corner of section thirteen, in township four, south, of range thirteen; thence north to the northeast corner of said last mentioned section thirteen; thence east, on the sectional line, to the place of beginning; provided that the passage of this act shall not prevent the Madriver and Lake Erie Railroad Company from extending an arm from the main track of said railroad to the town of Findlay, in the county of Hancock, as was secured to said company in the original act of incorporation.

SEC. 2. That for the purpose of restoring to the county of Crawford its constitutional amount of territory, the eastern and southern limits of said county shall be extended in the manner following, to wit: beginning at the present northeast corner of said county of Crawford, and running thence east, on the line dividing the counties of Huron and Richland, to the northeast corner of section three, in Auburn township, in said county of Richland; thence south on the sectional line through the townships of Auburn, Vernon and Sandusky, to the southeast corner of section ten, in the township of Bloomfield, in said county of Richland; thence west, on the sectional line so as to take two sections in width from the north tier of sections in Marion county to the point designated in the first section of this act, as the place of beginning in the description of the boundaries of the county of Wyandott, and the territory included, and lying between said extended limits, and the present boundaries of Crawford county is hereby attached to, and made a part of said county of Crawford.

SEC. 3. That all suits, whether of a civil or criminal nature, which shall be pending within those parts of the counties of Crawford, Marion, Hardin and Hancock, so to be set off and erected into a new county, previous to the organization of the said county of Wyandott, and all suits pending within those parts of Richland and Marion counties, which are hereby attached to the county of Crawford, previous to the first Monday of April, in the year one thousand eight hundred and forty five, shall be prosecuted to final judgment and execution within the counties of Crawford, Marion, Hardin, Hancock, and Richland, respectively, in the same manner as though the said county of Wyandott had not been erected, and the said portions of Richland and Marion counties had not been attached to the county of Crawford; and the sheriffs, coroners, and constables of the said counties, respectively, shall execute all such process as shall be necessary to carry into effect such suits, prosecutions, and judgments; and the collectors of taxes for the said counties, respectively, shall collect all taxes that shall be levied and remain unpaid within the aforesaid portions of their respective counties, before and until the said first Monday of April, one thousand eight hundred and forty five.

SEC. 4. That all justices of the peace, within those parts of the counties of Crawford, Marion, Hardin and Hancock, which, by this act, are erected

into the county of Wyandott, and also, within those parts of the counties of Richland and Marion, which, by this act, are attached to the county of Crawford, shall continue to exercise the functions and discharge the duties of their respective offices until their time of service shall expire, and their successors be elected and qualified, in the same manner as if they had been commissioned for the counties of Wyandott and Crawford, respectively; and all suits commenced before the first Monday of April, one thousand eight hundred and forty five, shall be prosecuted as though this act had not been passed, provided that all writs, and other legal process, within the territory hereby attached to the county of Crawford, shall be styled of Crawford county, and writs and other legal process, within the territory hereby erected into the county of Wyandott, shall be styled of the county of Wyandott, after the first Monday of April, one thousand eight hundred and forty five.

SEC. 5. That the legal voters residing within the limits of the county of Wyandott, shall on the first Monday in April, in the year one thousand eight hundred and forty five, assemble in their respective townships, at the usual place of holding elections, (where the usual places of holding elections are within the limits of the county of Wyandott, and in cases of fractional townships, where the usual places of holding elections are not included within the limits of the county aforesaid, the voters residing in each of such fractional townships, shall assemble in the township immediately adjoining such fractional township, and lying towards the centre of said county,) and proceed to elect the different county officers in the manner prescribed in the act to regulate elections, who shall hold their offices until the next annual election, and until their successors are chosen and qualified.

SEC. 6. It shall be the duty of the commissioners of Wyandott county, when elected and qualified, to make the most favorable contract or contracts with the government of the United States, or with any person or persons for donations of land, town lots, moneys, or other property, for the erection of county buildings, either in the town of Upper Sandusky, or on land adjoining the same, as they may think most advantageous to the county of Wyandott, provided that the county buildings of Wyandott county shall not be erected at a greater distance than one fourth of a mile, from the state road, leading from Columbus, through Delaware, Marion and Upper Sandusky, to Lower Sandusky.

SEC. 7. That portion of the county of Richland, which is by this act attached to the county of Crawford, shall be exempt from all taxation for the existing debts of said county of Crawford.

SEC. 8. The commissioners of the respective counties from which territory is hereby taken shall have power, immediately upon the passage of this act, to attach fractional townships to other townships in their respective counties, or to organize such fractional townships into separate townships as they may deem expedient, which power shall extend to the counties of Crawford and Wyandott, for the purpose of disposing of fractions coming within the limits of said counties, made by this act.

SEC. 9. That the territory hereby taken from the county of Hardin for the erection of the county of Wyandott, shall be held liable in a just and equal proportion with the remaining territory of the said county of Hardin, for the amount of stock subscribed by the commissioners of said county, to

the Mad River and Lake Erie Railroad Company, and shall be subjected to the payment of such tax or taxes as may from time to time be assessed by the commissioners of said county, for the purpose of paying the principal of the stock subscribed as aforesaid, or the interest arising thereon, as the case may be. That the territory hereby taken from the county of Hancock, for the erection of the county of Wyandott, shall be held liable for an equal and just proportion with the remaining territory of said county, of the tax or taxes which may be assessed by the commissioners of Hancock county for the purpose of constructing an arm or branch of a railroad from the main track of the Mad River and Lake Erie Railroad to the county seat of Hancock county, and that the tax so assessed by the commissioners of the said counties of Hardin and Hancock shall be collected in the same manner state and county taxes are collected.

JOHN M. GALLAGHER.

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

February 3, 1845.

AN ACT

To incorporate the German Library Association, of Cincinnati.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That Frederick Roelker, Joseph A. Pucte, Herman Frick, Henry Peoppelmann, George Labarre, Henry Roedter, Stephen Molitor, William Hapricht, and their associates, who have formed themselves into an association for their mutual improvement by the circulation of books among them, by lectures or otherwise, be and they are hereby created a body corporate and politic, with perpetual succession, by the name and style of the German Library Association, of Cincinnati, and by that name shall be and hereby are made capable in law to contract and be contracted with, to sue and be sued, plead and be impleaded, defend and be defended in courts of record, and all places whatsoever, to acquire, hold, possess and enjoy by gift, grant, devise or otherwise, all such real estate and other property as shall be requisite for their accommodation and convenience in the transaction of their business, and for their support of said association, and such as may be in good faith conveyed to them as security, or in payment of any debt that may become due to said association, or in satisfaction of any judgment at law, or any decree of a court of equity in its favor, and to have and use a common seal, and the same to break, alter or renew at pleasure; provided, however, that the property, funds and revenues of said association, shall not be used for any other than the purposes of said association.*

SEC. 2. *The officers of the association shall consist of a president, secretary, treasurer, librarian, and an examining committee, consisting of three, who shall be elected annually on the last Saturday in August, or*

such other day as the association may deem proper, at the usual place of assembling, and they shall hold their offices until their successors are chosen.

SEC. 3. The real and personal property, funds and revenues of the said association, and the management of its internal concerns shall be under the immediate control of the officers, who are in all instances to act under the direction and instruction of the association.

SEC. 4. The association shall have power to make such bylaws, rules and regulations, and to impose the execution thereof upon its officers, as shall, from time to time, be deemed proper for the good order and management of said association, and to carry out the intentions and purposes of its establishment, provided that the said bylaws, rules and regulations are not inconsistent with the constitution and laws of this state or the United States; provided, also, that any future legislature shall have the power to alter and repeal this act.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 3, 1845.

AN ACT

To incorporate the Trustees of the Columbus Academical and Collegiate Institute.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That for the purpose of establishing in the city of Columbus, an institution of learning, H. N. Hubbell, M. J. Gilbert, Joseph Ridgway, Jr., Wm. Chapin, J. S. Hall, H. L. Hitchcock, John Covert, Robert Thompson, A. P. Stone, Levi Beardsley, B. R. Brunson, H. F. Huntington, B. F. Gard, Samuel Medary, T. C. Hendron, Walter Thrall, B. Dickinson, B. B. Clark, S. Smith, and Samuel Galloway, and their associates and successors, be and they are hereby created a body politic and corporate, by the name and style of the Columbus Academical and Collegiate Institute, and, as such, shall have perpetual succession, and be capable of suing and being sued, pleading and being impleaded, shall have a common seal, which they may alter at pleasure, and shall have the power of performing all legal or equitable acts, in any or all courts of law or equity.*

SEC. 2. The incorporators under this act shall have power to make and establish bylaws, rules and regulations for its government, prescribe the number and title of its officers, define their powers and prescribe their duties, provided the said bylaws, rules and regulations do not conflict with the constitution and laws of this state or of the United States.

SEC. 3. That the said institution shall remain in the city of Columbus, and shall afford instruction in literature and in the arts and sciences; and the trustees may, from time to time, as the public good shall require, erect additional apartments for such other branches of academical or collegiate education as they may deem expedient, and all funds belonging

to, or in any way accruing to, said incorporation, shall be applied to the purposes of education exclusively.

SEC. 4. The said trustees shall hold their offices until their successors are elected and qualified; they shall, on the sixth day of February, one thousand eight hundred and forty five, or on some other day fixed by them, meet at the Institute buildings, to elect twenty trustees; ten for one year, and ten for two years, and annually thereafter, the incorporators shall meet as may be provided for in the bylaws, to elect ten directors or as many as may be fixed upon by the bylaws, provided the whole number shall not exceed thirty, nor be less than ten.

SEC. 5. This corporation shall have power to confer such honors and degrees as are usually conferred by collegiate institutions; provided that the said corporation shall have first acquired property, either real or personal, to the amount of ten thousand dollars in value, to be estimated by the appraisement of three disinterested freeholders, to be appointed by the auditor of Franklin county, who shall report their appraisement in writing to said auditor, by whom the same shall be filed and preserved.

SEC. 6. This incorporation may receive and hold any gifts or grants for the support of education, and shall appropriate the same as may be designated by the donor; they shall have power to purchase and hold any real estate necessary for the purposes of education, and the same to sell and convey at pleasure.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS.

Speaker of the Senate.

February 6, 1845.

AN ACT

For the relief of James Wolcott, of Maumee City.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That the county treasurer of Wood county be and he is hereby authorized to receive from James Wolcott, of Maumee City, a conveyance to the state of Ohio, of lot number one, of section sixteen, in township number one, of the Twelve Mile Square Reserve, at the foot of the Rapids of the Miami River of Lake Erie, being that part of said section purchased by the said James Wolcott, at the sale thereof, on the twenty seventh day of August, in the year one thousand eight hundred and thirty five, under the provisions of an act of the general assembly, passed March fifth, of the same year, and upon receiving such conveyance, to give up to said James Wolcott, to be canceled, his bond and mortgage, executed to said county treasurer, to secure the payments of the purchase money, by him agreed to be paid for said land, and to discontinue all further proceedings in any suit or suits which may have been, by said county treasurer, commenced in any court of law or equity, to enforce the collection of said purchase*

money; provided that all the costs of said suits accruing, prior to the date of said reconveyance, and all taxes which shall have accrued on said lots prior thereto, shall be paid by said Wolcott.

SEC. 2. That said lot of land shall, upon the execution of said conveyance, by said Wolcott, be vested in the state of Ohio, in trust for the same uses and purposes, and upon the same terms and conditions as they were held before this sale, to said James Wolcott, as aforesaid.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 3, 1845.

AN ACT

For the relief of Grandison Newell and others.

Whereas, the Painesville and Fairport Railroad Company, under the laws of the state, obtained a loan of credit from the state, to the amount of six thousand one hundred and eighty two dollars, to aid them in the construction of said railroad, and the said Grandison Newell, and others executed a bond to the state, of the date of September, one thousand eight hundred and thirty seven, conditioned for the payment of the interest thereon, until the principal shall be paid; and, whereas, the bridge of the said railroad, constituting a large portion of the expense of the construction of said road, was carried away by a freshet; and, whereas, the said company has surrendered to the agent of the board of public works the said railroad, and all the real and personal estate, moneys and choses in action of said railroad company—therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That upon the said Grandison Newell, and the other signers of the said bond, or any one or more of them, presenting to William L. Perkins, agent of the board of public works, satisfactory proof of their having paid and discharged all the costs in any and all suits instituted by the State of Ohio against them, or either or any of them, the costs of a suit which was instituted and prosecuted by the state against said company to final judgment, for the collection of the interest which has accrued on said bond, and also satisfactory proof that the attorneys who have been employed on behalf of the state in the institution and prosecution of the said suits, have been paid, and satisfied their charges therein, then and thereafter the said William L. Perkins shall deliver up to the said Grandison Newell, or any other signer of said bond, their executors or administrators, the said bond to be canceled, and the same shall be from thenceforth discharged.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 10, 1845.

AN ACT

To amend the act entitled "An act to incorporate the Oxford and College Corner Turnpike Road," passed January 29, 1844.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the Oxford and College Corner Turnpike Road Company, be and they are hereby authorized to demand and recover from persons traveling said road, the following tolls for every ten miles travel on said road, and in the same proportion for a less distance, to wit:

For every four wheeled carriage, drawn by two animals, twenty five cents; and for every animal in addition, six and one fourth cents.

SEC. 2. That so much of said act to which this is an amendment, as conflicts with this act, be and the same is hereby repealed.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

February 10, 1845.

AN ACT

To incorporate the New Carlisle Social Library Company, in Clark county, and the Library Association of Harlem, Carroll county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Jonathan Taylor, Joel Forgy, William Filton, S. B. Williams, W. S. Reyburn, their associates and successors, be and they are hereby created a body corporate and politic by the name of the New Carlisle Social Library Company, and shall have all the rights and privileges and be subject to all the restrictions of the act entitled "an act to regulate incorporated literary societies," passed March seventh, one thousand eight hundred and thirty nine.

SEC. 2. That William Crow, Mark Finicum, Asa Daniels, George Kelly, Henry Daniels, Nathaniel Brewster, Charles Daniels, James Mackay, their associates and successors, be and they are hereby created a body corporate and politic by the name of the Young Men's Library Association, of Harlem, Carroll county, and shall have all the rights and privileges and be subject to all the restrictions of the act entitled "an act to regulate incorporated literary societies," passed March seventh, one thousand eight hundred and thirty nine.

SEC. 3. The above named incorporators of each incorporation, or a majority of them, shall give ten days previous notice by posting up written or printed advertisements in three of the most public places in said towns of their first meeting under the provisions of this act.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

February 10, 1845.

AN ACT

To incorporate the town of Midway, in the county of Madison, the town Harlem, in Carroll county, and the town of New Madison, in Darke county.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio, That so much of the township of Range, in the county of Madison, as is included within the following limits, to wit: commencing at the northeast corner of the recorded plat of said town; thence running north twelve rods; thence west forty rods; thence south twelve rods, to the north line of said town plat, and in addition thereto, the whole of the territory included in the recorded plat of said town, be and the same is hereby created a town corporate, by the name of Midway, and shall in all respects be governed by the provisions of an act entitled "an act for the regulation of incorporated towns," passed February sixteenth, one thousand eight hundred and thirty nine, and all other acts now in force, or that may be hereafter passed, for the regulation and government of the same.*

Sec. 2. *That so much of the township of Lee, in Carroll county, Ohio, as is contained in the town plat of the town of Harlem, and the following described territory in said township, to wit: beginning at the southwest corner of the northwest quarter of section nine, township thirteen, of range five; thence north to the northwest corner of section ten in said township; thence east to the northeast corner of the west half of the northwest quarter of section four in said township; thence south to the southeast corner of said last mentioned half quarter section; thence east to the center of said section four; thence south to the center of section three in said township; thence west to the place of beginning, be and the same is hereby created a body politic and corporate, by the name of the town of Harlem, and shall in all respects be governed by the act entitled "an act for the regulation of incorporated towns," passed February sixteenth, one thousand eight hundred and thirty nine, and all other acts now in force, or that may hereafter be passed, for the regulation and government of the same.*

Sec. 3. *That so much of the township of Harrison, in the county of Darke, as is included in the plat of the town of New Madison, and the additions as laid off and recorded to said town, be and the same are hereby created a body politic and corporate, by the name of the town of New Madison, and shall in all respects be governed by the act entitled "an act for the regulation of incorporated towns," passed February sixteenth, one thousand eight hundred and thirty nine, and all other acts now in force, or that may hereafter be passed, for the regulation and government of the same.*

Sec. 4. *That any five qualified electors, residing within the corporate limits of any of said towns, may call the first meeting for said town under this act, by posting written or printed notices in three of the most public places in said town, provided said meeting be held within six months from the passage of this act.*

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 10, 1845.

AN ACT

To lay out and establish a State Road in the counties of Henry and Paulding.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That S. S. Hawkins, Bernard W. Woodcox, and David Skiver, of the county of Paulding, be and they are hereby appointed commissioners to lay out and establish a state road, commencing at or near Mr. Sanford's farm, on the Ottawa and West Buffalo Free Turnpike, in the county of Henry, thence west to Charloe, the county seat of Paulding county, thence up Blue creek, on the north side thereof, to Jesse Fox's, thence on the nearest and best ground to Robert Barnhill's, thence on the nearest and best ground to intersect the state road leading from Vanwert to Fort Wayne.

SEC. 2. That the commissioners aforesaid shall be governed in all respects by the law now in force, establishing state roads, passed March fourteenth, one thousand eight hundred and thirty one, and the acts amendatory thereto.

SEC. 3. Should a vacancy occur in any of the foregoing appointments, by death or otherwise, the county commissioners of Paulding county, on being notified thereof, shall forthwith fill the same.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 10, 1845.

AN ACT

To incorporate the Tallmadge Library Association, in the county of Summit.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Anson Ashley, George P. Burwell, Amos Wright, Charles C. Bronson, Daniel Saxton, Benjamin R. Noble, Guy Griswold and Elbert V. Carter, and their associates, together with such others as are or may be hereafter associated with them, be and they are hereby created and declared a body corporate and politic by the name of the Tallmadge Library Association, in the county of Summit, and shall have all the rights and privileges and be subject to all the provisions of the act entitled "an act to regulate incorporated literary societies," passed March seventh, one thousand eight hundred and thirty nine.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 10, 1845.

AN ACT

To incorporate the Urbana and Loudonville Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That Philander B. Ross, Joshua Saxton, Erastus Sheldon, Jason Weaver, John Hamilton, and their associates, be and they are hereby created a body corporate, under the name of the Urbana and Loudonville Turnpike Road Company, for the purpose of constructing a road from Urbana, in Champaign county, to Loudonville, in Richland county; which company shall have all the rights, privileges, and powers, and be subject to all the restrictions defined in the act to provide for the regulation of turnpike companies, passed January seventh, one thousand eight hundred and seventeen, and the several acts amendatory thereto, except in so far as the same may be modified or changed by the special provisions of this act.*

SEC. 2. The capital stock of said company may be eighty thousand dollars, divided into shares of fifty dollars each.

SEC. 3. That the above named commissioners shall meet at Urbana, at such time as they shall think fit, and proceed to organize the said company, and take order for the opening of the books for the subscription of the stock, agreeably to the second section of the said act to provide for the regulation of turnpike companies.

SEC. 4. That as soon as sixty shares of the capital stock shall be subscribed, the above named commissioners shall call a meeting of the stockholders in the manner prescribed in the third section of the said act to provide for the regulation of turnpike companies, for the election of five directors, for the government of said company.

SEC. 5. That said company be and they are hereby authorized to demand and receive from persons traveling said road the following tolls for every ten miles travel on said road, and in the same proportion for a less distance, to wit:

For every four wheeled carriage, drawn by two horses or oxen, fifteen cents; for every horse or ox in addition, five cents.

For every sled or sleigh, drawn by two horses or oxen, ten cents; and for every horse or ox in addition, five cents.

For every horse and rider, five cents.

For every horse, mule, or ass, six months old or upwards, led or driven, three cents.

For every head of neat cattle, six months old or upwards, one cent.

For every head of sheep or hogs, one half cent.

For every four wheeled pleasure carriage, drawn by two horses, fifteen cents; and for every horse in addition, five cents.

For every two wheeled pleasure carriage, drawn by one horse, ten cents.

For every four wheeled pleasure carriage, drawn by one horse, fifteen cents.

For every cart, drawn by one horse or two oxen, ten cents; for every horse or ox in addition, five cents.

SEC. 6. That whenever five continuous miles of said road shall be completed according to the provisions of the said act, for the regulation of turnpike companies, the aforesaid company may erect a gate and receive

tolls from persons traveling said road, at the above specified rates, provided that such persons shall be exempt from paying tolls as are exempted in the eleventh section of the aforesaid act, for the regulation of turnpike companies, saving only persons conveying public mails of the United States, which last mentioned persons shall not pass free as in the said act aforesaid.

SEC. 7. That said company and the corporators thereof, shall be subject to the provisions of all acts now in force, or which may hereafter be enacted for the purpose of governing and regulating turnpikes companies, generally, in this state.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 10, 1845.

AN ACT

An act to incorporate the town of New Westville, in the county of Preble, and the town of Waldo in the county of Delaware.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That so much of the township of Jackson, in the county of Preble, as is included in the town plat of the town of New Westville, or as may be hereafter included in the same, be and the same is hereby created a town corporate, to be known and designated by the name of New Westville, and shall in all respects be governed by the provisions of the act entitled "an act for the regulation of incorporated towns," passed February sixteenth, one thousand eight hundred and thirty nine, and all other acts now in force, or that may be hereafter passed, regulating the same.

SEC. 2. That so much of the township of Marlborough, in the county of Delaware, as is comprised in the original town plat of the town of Waldo, and its additions, together with all such additions as may hereafter be made thereto, be and the same is hereby created a body politic and corporate, and shall be known by the name of the town of Waldo, and shall in all respects be governed by the provisions of an act entitled "an act for the regulation of incorporated towns," passed February sixteenth, one thousand eight hundred and thirty nine, and all other acts now in force, or that may be hereafter passed, regulating the same.

SEC. 3. That any five qualified electors residing within the recorded limits of either of said towns, may call the first meeting under this act, by posting written or printed notices in three of the most public places in said town, provided said meeting be held within six months from the passage of this act.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 10, 1845.

AN ACT

Further to amend the act entitled "an act to incorporate the Town of Elyria, in the county of Lorain," passed February 25th, 1833.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That* hereafter it shall be lawful for the inhabitants who reside within the corporate limits of the town of Elyria, in the county of Lorain, having the qualifications of electors for members of the general assembly, to meet at the courthouse, or such other convenient public place in said town of Elyria, as the town council shall designate, on the first Wednesday in April, annually, and then and there proceed by plurality of votes to elect, by ballot, one mayor, one recorder and five trustees, who shall have the like qualifications of electors as aforesaid, and shall be residents therein, and they shall hold their respective offices for one year, and until their successors are elected and qualified, and such mayor, recorder and trustees, being so elected and qualified, shall constitute the town council of the town of Elyria, any five of whom shall be a quorum for the transaction of business, but a less number may adjourn from time to time.

SEC. 2. That to enable said town council to carry into effect the provisions of this act, as well as the act to which this is an amendment, and to defray the current expenses of said town, they are hereby authorized and empowered to levy a tax on all the real and personal property, subject to taxation, within the limits of said town of Elyria, as the same has been or shall be assessed, appraised and returned on the grand levy of the state; provided, that said tax so levied, shall not exceed in any one year, three mills on the dollar upon the assessed valuation of such property, returned as aforesaid; and the said town council shall, on or before the first day of June, annually, determine the per centum of tax to be levied and collected upon the taxable property within said town, not exceeding the amount aforesaid, and cause the same to be certified to the auditor of Lorain county; also, said town council shall cause to be certified to the said auditor, on or before the first day of June, 1845, all the delinquent taxes, with the penalties thereon accrued, which have been heretofore determined, levied and assessed upon the taxable property in said town by the corporate authorities thereof; and the said auditor is hereby directed and authorized to place the same, the said delinquent taxes certified as aforesaid, as well as the taxes that shall be hereafter levied and certified as aforesaid, in additional columns upon the duplicate of taxes for said county of Lorain, in the manner which township taxes are placed upon said duplicate; and the treasurer of said Lorain county shall proceed to collect all such taxes in the same manner as he is required by law to collect other taxes, and shall pay over the same to the treasurer of said town; and in the collection of said taxes the said county treasurer shall have the same power to sell both real and personal property as is given him by law for the collection of other taxes; when necessary, the said auditor shall make deeds for the real estate so sold as in other cases. And the said county auditor and county treasurer, in all their proceedings relative to the assessing, advertising and collecting of said town taxes, shall be governed by the law regulating the assessment, advertisement and collection of state and county taxes, and they shall be entitled to charge and receive the same compen-

sation for their services as is allowed by law for similar services in assessing and collecting state and county taxes, and the same penalty shall be charged in case of delinquent taxes in said town as in other cases; provided, that the owner or owners of any land sold for such delinquent taxes shall be entitled to redeem the same in the same manner, and upon the same terms, as when lands are sold for delinquent state and county taxes.

SEC. 3. The said town council shall have power to regulate and improve the streets, lanes, alleys and sidewalks within said town of Elyria, and to lay out and establish and open new streets, lanes and alleys, and determine the width of sidewalks; also, to vacate streets, lanes and alleys, and cause all obstructions and nuisances to be abated and removed, and to make all improvements of a public nature which may conduce to the benefit, convenience and prosperity of the inhabitants of said town; and the town council shall have power to require that the owner or owners of all town lots or parts of lots, in said town of Elyria, fronting on Broadstreet and the public square, and in front of all other town lots on which dwellings are or shall be erected, shall erect a good and substantial wood railing in front of such lots, on the line separating the sidewalk from the street, and if any person or persons shall neglect or refuse to erect said railing after reasonable notice so to do, by said town council, the said town council may cause the same to be erected, and recover the cost and expense of erecting the same from the individual or individuals owning such lot or lots, in an action for work and labor, and the same shall attach and become a lien upon the lot or lots before which said railing is erected, from and after said work is completed.

SEC. 4. The town council shall also have power, by ordinance or by-laws, to prevent all swine, horses and cattle from running at large within the limits of said town of Elyria, and they may authorize the marshal to impound the same, when so found running at large, and may make such regulations with regard to the rights or privileges of the owner or owners thereof to redeem the same, when so impounded, as to them shall appear reasonable, and if such horses, cattle or swine, are not so redeemed under the provisions of such regulations so made by the town council, they may authorize the said marshal to sell the same at public auction, after having given ten days notice of the time and place of sale, by posting up notices in three public places in said town, and the proceeds of such sale, after deducting the fees and expenses of the marshal, shall be paid to the treasurer of said town, who shall pay over the same to the original owner or owners of said swine, cattle or horses, if called for within three months from the day of sale.

SEC. 5. The town council shall have power, by ordinance or resolution, to regulate the exhibition of shows, and all other exhibitions for money or reward, to grant or refuse license therefor, and to exact and receive such sum or sums of money for said license as they shall deem reasonable, to annex thereto such terms and conditions as to time and place and other circumstances, under which said license shall be acted upon, as, in their opinion, the peace, quiet and good order of society in said town may require, and impose such fines or penalties upon any person or persons exhibiting without such license, as they shall deem proper and reasonable, not exceeding fifty dollars.

SEC. 6. That the act passed January eleventh, one thousand eight hundred and forty three, entitled "an act to amend the act entitled an act to incorporate the town of Elyria, in the county of Lorain, passed February twenty three, one thousand eight hundred and thirty three," be and the same is hereby repealed; also, that the second, eleventh, twelfth, fourteenth, seventeenth, eighteenth, nineteenth and twentieth sections of the original act entitled "an act to incorporate the town of Elyria, in the county of Lorain," passed February twenty three, one thousand eight hundred thirty three, and all such parts of said act as are inconsistent with the provisions of this act, be and the same are hereby repealed, except that all taxes that have been heretofore levied, and which have accrued in pursuance of said amendatory act of the eleventh of January, one thousand eight hundred and forty three, and any of the several sections of said original act by this section repealed, shall remain valid and collectable in the manner specified in the second section of this act.

SEC. 7. That from and after the passage of this act, the south boundary of said town of Elyria, shall be and extend no farther than the south line of outlots numbers twenty five, twenty six, twenty seven and twenty eight in said town, and all the land lying south of said south line of lots, which was included in the original act incorporating said town of Elyria, passed February twenty three, one thousand eight hundred thirty three, being lots numbers one to twenty four inclusive, within the branches of Black river, is hereby detached and excluded from the corporate limits of said town of Elyria, and so much of said original charter as embraced said lots numbers one to twenty four inclusive, or any jurisdiction over the same is hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 10, 1845.

AN ACT

To incorporate the Aurora Academical Institution, in the county of Portage.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That John E. Jackson, Moses Eggleston, Hopson Hurd, Alanson Baldwin, William R. Henry, Alvin Spencer, Alvin D. Schram, Artemas W. Stocking, J. I. Eldridge, together with those who may become associated with them, for the purpose of establishing an academy in the township of Aurora, in the county of Portage, be and they are hereby created a body politic and corporate, by the name and style of Aurora Academy, by which name they shall have perpetual succession, and power to contract and be contracted with, to sue and be sued, to answer and be answered unto, in all courts of law and equity; and to acquire, possess, and enjoy, sell, convey, and dispose of all property, real or personal; and shall possess all the powers

and privileges usually incident to similar corporations; provided that its funds, privileges, and immunities shall be appropriated, exclusively, to the purposes of education.

SEC. 2. That the corporate concerns of said academy shall be managed by a board of trustees, consisting of nine members, one of whom shall be elected president of the board, and any five of whom shall constitute a quorum to do business; they shall be elected by the stockholders, on the first Monday of March, annually, and shall hold their offices for one year, and until their successors shall have been elected and qualified; the first officers of said board shall be the persons named in the first section of this act, and shall hold their offices until the first Monday in March, one thousand eight hundred and forty six, and until their successors shall have been elected and qualified; the election of trustees shall be by ballot, each stockholder being entitled to one vote, either in person or by proxy, for each share by him or her owned; said trustees shall have power to fill all vacancies in their own body, by appointment; and the person or persons thus appointed shall continue in office until the next annual election, and until their successors shall have been elected and qualified; and if no election shall be made on the day specified in this section, such election may be held on any other day, provided that a notice of the time and place of holding such election, signed by three of the stockholders, be posted up in three public places in said township of Aurora, ten days previous to said election.

SEC. 3. That the capital stock of said corporation shall consist of shares of ten dollars each, to be subscribed for in the manner the trustees shall prescribe, to be paid by such installments as the by laws may direct, and shall be transferable on the books of said corporation, in such manner as may be prescribed by the board of trustees, provided that said stock shall not exceed in value fifty thousand dollars; provided that said incorporation shall not have power to contract debts or liabilities beyond the value of the property owned by said incorporation at the time of incurring said debt or liability, and in no case shall said incorporation contract liabilities beyond the amount of its capital stock.

SEC. 4. That the board of trustees shall have power to appoint subordinate officers and agents, and to establish and enforce all such ordinances, rules, regulations, and bylaws, as a majority of them shall, from time to time, deem necessary and expedient, for the good government and supervision of said academy, its officers and agents, teachers and pupils, and for the management of the property and affairs of said corporation, to the best advantage, provided they shall not contravene the constitution and laws of the United States, and of this state.

SEC. 5. That any violation of the provisions of this act by said corporation, shall operate as a forfeiture of all the privileges and franchises granted by this act.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 10, 1845.

AN ACT

To establish a Free Turnpike Road on the line of the State Road, from Lower Sandusky, in Sandusky county, to Findlay, in Hancock county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That James Vallett, of the county of Sandusky, Enoch Trumbo, of the county of Seneca, and John H. Eckhart, of the county of Hancock, be and they are hereby appointed commissioners to establish a free turnpike road, from Lower Sandusky, in the county of Sandusky, to Findlay, in the county of Hancock, which shall be constructed, repaired, and preserved in the manner pointed out in this act.*

SEC. 2. That said commissioners shall have power to appoint a superintendent or superintendents, and such other agents as they may deem necessary to carry into effect the provisions of this act, a majority of said commissioners shall be a quorum, having power to transact any business, and exercise any powers devolving upon, or intrusted to them by this act, and they shall keep a record of their proceedings, which shall at all times be open for inspection to any person who has in any way contributed for the construction of said road.

SEC. 3. Said commissioners shall meet on the first Monday of May, one thousand eight hundred and forty five, or at any time within sixty days thereafter, and shall organize by choosing one of their number president, and also a secretary, and they shall then proceed to establish said road as now located and established, without resurveying the same (unless found absolutely necessary,) leading from Lower Sandusky, in Sandusky county, to Findlay, Hancock county.

SEC. 4. The commissioners shall have power to receive subscriptions and donations in money or property, real or personal, which shall be applied for the construction of said road; they may make contracts for constructing the same in a solid and durable manner; they may open and finish said road, in the first instance, along such portions of the line thereof as will soonest render the whole line thereof available for travel and use; and they shall have power to purchase and procure all necessary implements and fixtures to preserve said road in repair.

SEC. 5. The taxes levied for road purposes within one mile and a half of said road, on each side thereof, shall be applied to its construction and repair, except as is hereinafter provided; and all persons owing such taxes who shall wish to discharge the same in labor, shall apply such labor under the direction of said commissioners or their agent or agents, at the rate of seventy five cents per day.

SEC. 6. So much of taxes appropriated by this act, as shall be paid into the county treasury, shall be computed by the county auditor, as accurately as may be, and paid over on the order of the president and secretary of said commissioners, certifying that labor to the amount of said order has been done on said road, and all taxes so computed by the county auditor, shall be expended on said road in the county where collected.

SEC. 7. It shall be the duty of the county auditors of their respective counties through which said road shall pass, in computing the portion of road tax that may have accrued within the aforesaid limits on each side of said road, to embrace the whole of any tract of land, not exceeding eighty

acres, of which one half shall be within said limits, and for all duties performed by them under this act they shall be allowed the same fees as is allowed by law for similar services in other cases.

SEC. 8. That said commissioners and their successors, shall be a corporation, by the name and style of the Lower Sandusky and Findlay Free Turnpike Road, for the purpose of carrying into effect the provisions of this act, and it shall be their duty to prosecute for all obstructions to said road, or for injuries done to the same, or the bridges thereon, by malicious persons, and the form of such prosecutions shall be in the action of debt, and the amount recoverable in each case, shall be the amount of damages actually found by the court or jury, with ten per centum thereon, and in all such cases the said commissioners shall have a right to sue, either before a justice of the peace, or in the court of common pleas of the proper county, as the case may be, which suit may be appealable as in other cases, and the amount collected in each case shall be for the benefit of said road, and shall be paid upon the order of the president and secretary of the commissioners as in case of county treasurer in section six.

SEC. 9. The said trustees or commissioners shall annually, in the month of January, make a full settlement of their receipts and expenditures under this act, and publish an account thereof, in some newspaper having general circulation along the line of said road, and also deposit a copy thereof in the auditor's office in each county, through which the road may pass.

SEC. 10. That nothing in this act contained shall be so construed as to interfere with any tax upon property heretofore appropriated to the construction of any free turnpike road, nor shall it embrace any lands within the reservation of two miles square, at the foot of the Rapids of the Sandusky river, nor any lands lying and being within the limits of Wood county.

SEC. 11. The supervisors of any road district through which any part of said road may pass shall be and are hereby authorized to appropriate any portion of the two days labor within his district, which he may deem expedient, to the construction, preservation, and repair of said road, and the same shall be applied under the direction of said commissioners, or their agent.

SEC. 12. The commissioners of said road shall be allowed their reasonable personal expenses, when engaged on the business of said road, and no more; and when any vacancy shall happen in said board by death or otherwise, the commissioners of the county in which such vacancy may happen, on being notified thereof, shall fill the same as often as it may occur.

SEC. 13. All incidental expenses for the construction and repair of said road shall be paid out of the funds, appropriated by this act, to the construction, preservation, and repair of the same.

SEC. 14. That said commissioners shall have the same power to enter upon adjoining lands, for materials and other purposes, as is granted to supervisors in the act for opening roads and highways.

SEC. 15. That nothing in this act shall be so construed as to allow the commissioners, named in this act, more than seventy five cents per day while actually employed in laying out and establishing the same, or while actually employed in improving said road, and in no case shall their agents

receive more than seventy five cents per day while actually employed on said road.

SEC. 16. This act to take effect from and after the first day of March, one thousand eight hundred and forty five, and shall remain in force for ten years from the time of the taking effect thereof.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 10, 1845.

AN ACT

To incorporate the Volunteer Hook and Ladder Company, Number One, in the town of Miamisburg, Montgomery county, Ohio.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That John Conly, George Perry, John Miller, William Hoff, William Keller, Samuel Mays, Simon Hoover, Elias Cotterman, William Gebhart, and their associates and successors, are hereby created a body politic and corporate, under the name and style of the Volunteer Hook and Ladder Company, Number One, in Miamisburg, Ohio, with succession for thirty years, and as such, shall be competent to sue and be sued, in all courts of law or equity in this state, to contract and be contracted with, and they shall have power to acquire and hold property, and the same to convey at pleasure; provided the annual income thereof shall not exceed sum of five hundred dollars.

SEC. 2. That said company may have a common seal, the same to alter or amend at pleasure, and shall have power to make and enforce such by-laws, not inconsistent with the constitution and laws of the United States or of this state as they may deem proper and necessary for the organization and good government of its members, and management of their corporate affairs, and they shall have power to elect their officers in such manner and for such time as said company may, from time to time determine; provided said company shall not possess any banking powers.

SEC. 3. That the members of said company, while belonging to the same, shall be exempt from military duty, in time of peace, provided said company shall organize under the provisions of this act, procure the necessary apparatus, and shall meet at least once every three months for the transaction of business, and for the exercising and using said apparatus.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 10, 1845.

AN ACT

To incorporate the Trustees of the Fort Meigs University.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That John C. Spink, Hezekiah L. Hosmer, Benjamin Woodberry, Jonathan Berry, Elijah Huntington, John Webb, William H. Hopkins, Hiram Davis, James M. Hall, Benjamin Olney, Addison Smith, Erasmus D. Peck, be and they are hereby created a body politic and corporate, to be styled the board of trustees of the Fort Meigs University, of Perrysburg, and by that name to remain in perpetual succession, with full powers to sue and be sued, to plead and be impleaded, to acquire, hold and convey property, real and personal, to have and use a common seal, to alter and renew the same at pleasure, to make and alter, from time to time, such bylaws as they may deem necessary for the government and maintenance of said institution, its officers and servants, provided such bylaws are not inconsistent with the constitution and laws of the United States and of this state.

SEC. 2. That said institution shall be located in the town of Perrysburg, Wood county, and shall be erected on a plan sufficiently extensive to afford instruction in the liberal arts and sciences; and the trustees may, as their abilities shall increase, and the interests of the community require, erect additional departments and establish professorships, in the manner that the same are ordinarily established by universities, for instruction in the languages, arts and sciences, and in any and all of the liberal professions; and said institution shall have power to confer all degrees that may be conferred by similar institutions, and shall be invested with the full powers of a university; provided that the power of conferring degrees shall not be exercised by said university until it shall have obtained property, either real or personal, to the amount of ten thousand dollars in value, to be estimated by three disinterested freeholders of the county of Wood, who shall be chosen by the auditor of said county, and make report to the auditor by whom the same shall be filed and preserved.

SEC. 3. The board of trustees shall, from time to time, appoint a president, and other officers and professors, and also such servants of the institution as may be necessary, and shall have power to displace any or either of them for good and sufficient reasons, and also to fill vacancies which may happen in said board; also to direct the course of study which may be pursued in such institution and its departments.

SEC. 4. The president of the institution shall be, ex-officio, a member of the board of trustees, and president of the same, and in his absence, the board shall elect one of their own members to preside, for the time being; provided that if any of said trustees shall be permanently appointed president of said institution, his office of trustee shall be deemed vacant, and the board shall fill the same accordingly.

SEC. 5. That the board of trustees shall consist of twelve members, exclusive of the president, any six of whom shall constitute a quorum for the transaction of business; and said board of trustees shall hold their first annual meeting in the township of Perrysburg, on the first Wednesday of April, one thousand eight hundred and forty five, and afterwards they shall meet on their own appointment, but in case of emergency, the president, with the advice of two trustees, may call a special meeting of the board,

or any five members may call such meeting by giving notice to each member, at least five days prior to such meeting.

SEC. 6. The board of trustees shall faithfully apply all funds by them collected or received, and all property, real or personal, which may be donated to them, according to their best judgment, in erecting suitable buildings, supporting the necessary officers, professors, instructors and servants, and in procuring books, maps, charts, globes, and other apparatus necessary for the success of the institution.

SEC. 7. The treasurer of the institution shall always, and all other agents, when required, before entering on the duties of their appointments, give bond to the trustees of said University for the security of the corporation and of the public, in such penal sums, and such sureties as the board of trustees shall approve; and that all process against the corporation shall be by summons, and the service of the same shall be by leaving an attested copy thereof with the president or treasurer of the institution.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

February 10, 1845.

AN ACT

To incorporate the Butler and Preble County Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That* John L. Ritter, John C. Smith, William W. Phares and Henry Green, of Butler county, and Jesse Stubbs, Joel G. Hutchin, and Abraham Hurt, of Preble county, and their associates, be and they are hereby created a body corporate, under the name of the Butler and Preble county Turnpike Road Company, for the purpose of constructing a turnpike road, from a point on the Hamilton and Eaton Turnpike Road, commencing at or near Jacoby's tavern; thence north on the old road, to West Elkton; thence to Winchester, in Preble county, which company shall have all the rights, privileges and powers, and be subject to all the restrictions defined in the act to provide for the regulation of turnpike companies, passed January seventh, one thousand eight hundred and seventeen, and the several acts amendatory thereto, except in so far as the same may be modified or changed by the special provisions of this act.

SEC. 2. The capital stock of said company may be twenty five thousand dollars, divided into shares of twenty five dollars each.

SEC. 3. The above named commissioners shall meet at West Elkton, at such time as they shall think fit, and proceed to organize said company, and to take order for the opening of books, for the subscription of stock, agreeably to the second section of the said act to provide for the regulation of turnpike companies.

SEC. 4. That as soon as one hundred shares shall be subscribed, the

above named commissioners shall call a meeting of the stockholders, in the manner prescribed in the third section of the act to provide for the regulation of turnpike companies, for the election of five directors for the government of said company.

SEC. 5. That said company, be and they are hereby authorized to demand and receive from persons traveling said road the following tolls for every ten miles travel on said road, and in the same proportion for a less distance, to wit:

For every four wheeled carriage, drawn by two animals, twenty five cents; for every animal in addition, five cents;

For every sled or sleigh, drawn by two animals, ten cents; and for every animal in addition, five cents;

For every horse and rider, six and a fourth cents;

For every horse, mule or ass, six months old or upwards, led or driven, three cents;

For every head of neat cattle, six months old or upwards, one cent;

For every head of sheep or hogs, one half cent;

For every four wheeled pleasure carriage, drawn by two horses, thirty cents; for every horse in addition, five cents;

For every two wheeled pleasure conveyance, drawn by one horse, ten cents;

For every four wheeled pleasure carriage, drawn by one horse, twenty cents;

For every cart drawn by one horse or two oxen, ten cents; for every horse or ox in addition, five cents.

SEC. 6. That whenever five continuous miles of said road is completed, according to the provisions of the said act to provide for the regulation of turnpike companies, the aforesaid company may erect a gate and receive tolls from persons traveling said road, at the above specified rates, provided that such persons shall be exempt from paying tolls as are exempted in the eleventh section of the aforesaid act, for the regulation of turnpike companies, saving only persons conveying the public mails of the United States, which last mentioned persons shall not pass free as in the said act provided.

SEC. 7. That said company and the corporators thereof, shall be subject to the provisions of all acts now in force, or which may hereafter be enacted, for the purpose of regulating turnpike companies, generally, in this state, and also an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally, passed March seventh, one thousand eight hundred and forty two.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.

DAVID CHAMBERS,
Speaker of the Senate.

February 10, 1845.

AN ACT

To authorize the City of Cleveland to appoint Inspectors of Provisions, and other articles.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That the city council, of the City of Cleveland, shall have exclusive power to appoint any citizen or citizens, of said city, whom said city council may deem suitably qualified to act, within and for the City of Cleveland, as inspectors of such articles as are specified in the act entitled "an act for the inspection of certain articles therein named," passed March ninth, one thousand eight hundred and thirty one, and the act to amend the same, passed February eleventh, one thousand eight hundred and thirty two, which said inspectors shall, within and for said city, have the same powers, perform the same duties, take the same oaths or affirmations, be governed by the same rules, and liable to the same penalties as are prescribed in the acts above mentioned.*

SEC. 2. *The appointment, with the license hereinafter provided for, may authorize said inspector or inspectors, or any one or more of them, to inspect any one or more of the articles named in the act above mentioned.*

SEC. 3. *Every person appointed by said city council, as an inspector under the provisions of this act, shall, before entering upon the duties of his office, enter into bond with sufficient security, to be approved of by the said city council, in the penal sum of five thousand dollars, conditioned for the faithful performance of the duties of his office, which bond shall be filed with and made payable to the treasurer of the City of Cleveland, and shall also, if the council deem it necessary, renew said bond from year to year.*

SEC. 4. *Any person who may claim himself injured by the misconduct, neglect or incapacity of any of said inspectors, may institute suit on a copy of the bond of such inspector, certified by the treasurer of said city, for the use of the person suing, and the same proceedings shall be had thereon, with the same provisions as are contained in the third section of the act entitled "an act for the inspection of certain articles therein named," passed March ninth, one thousand eight hundred and thirty one.*

SEC. 5. *The said city council are hereby authorized to require each and every person appointed under the provisions of this act, before he shall enter upon the duties of said office, to pay to the treasurer of the City of Cleveland, for the use of the said city, such sum, not less than one hundred dollars, nor more than five hundred dollars, as the said city council may from year to year deem proper, and on such payment shall be entitled to receive from the clerk of said city, a license authorizing the person therein named to act as such inspector until the first day of April next after the date thereof; and in case of a vacancy occurring by death, or other cause during the term for which any inspector shall have been licensed, as aforesaid, the council may fill said vacancy by granting a license for such sum as they shall deem proper.*

SEC. 6. *That the persons appointed by the court of common pleas of Cuyahoga county, inspectors for said county, under and by virtue of the act referred to in the first section of this act, shall not exercise their offices*

as inspectors within the limits of the city of Cleveland, after the terms for which they shall have severally given bonds shall have expired.

SEC. 7. That said city council shall have full power and authority, on complaint and sufficient cause shown, to remove from office any inspector appointed under this act; provided, always, that no inspector shall be removed from his said office unless two thirds of all the members of the council shall vote for such removal.

SEC. 8. That the inspectors to be appointed under this act shall be entitled to receive the following fees for their services, viz: For packing and inspecting every barrel of pork or beef, seventeen cents; for every half barrel, twelve cents; for packing, examining and inspecting every barrel of fish, eighteen cents.

SEC. 9. This act shall be deemed a public act, and shall be in force from and after its passage.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 10, 1845.

AN ACT

To incorporate the Chillicothe and Washington Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Owen T. Reeves, Richard Douglass, Presley Morris, Levi Anderson, Wm. S. Gadbury, Andrew R. McNeill, Jacob Pancake, John McNally, Abraham Hegler and Tihman Rittenhouse, of the county of Ross, and Samuel Eymer, John Dewitt, Daniel McLean, George W. Richey, Alfred S. Dickey and Curren Millikin, of the county of Fayette, and their associates be and they are hereby created a body corporate under the name of the Chillicothe and Washington Turnpike Road Company for the purpose of constructing a road from Chillicothe in Ross county, to commence at the intersection of the Milford and Chillicothe Turnpike Road, at Riley's cross roads, in Ross county, thence by the most practicable route to Washington, in Fayette county.

SEC. 2. Said company shall have all the rights, privileges and powers, and be subject to the restrictions defined in the "act to provide for the regulation of turnpike companies," passed January seventh, one thousand eight hundred and seventeen, and the several acts amendatory thereto, except in so far as the same may be modified or changed by the special provisions of this act.

SEC. 3. The capital stock of said company may be one hundred thousand dollars, divided into shares of twenty five dollars each.

SEC. 4. The above named commissioners shall meet at Frankford, in Ross county, at such time as they shall think fit, and proceed to organize said company, and to take order for the opening of books for the subscription of stock, agreeably to the second section of the said act, to provide for the regulation of turnpike companies.

SEC. 5. That as soon as two hundred shares shall be subscribed the above named commissioners shall call a meeting of the stockholders in the manner prescribed in the third section of the said act, to provide for the regulation of turnpike companies, for the election of five directors for the government of said company.

SEC. 6. That said company be and they are hereby authorized to demand and receive from persons traveling said road the following tolls, for every ten miles travel on said road, and in the same proportion for a less distance, to wit:

For every four wheeled carriage, drawn by two horses or oxen, fifteen cents; for every horse or ox in addition, five cents;

For every sled or sleigh, drawn by two horses or oxen, ten cents; and for every horse or ox in addition, five cents;

For every horse and rider, five cents;

For every horse, mule or ass, six months old or upwards, led or driven, three cents;

For every head of neat cattle, six months old or upwards, one cent;

For every head of sheep or hogs, one half cent;

For every four wheeled pleasure carriage, drawn by two horses, thirty cents; for every horse in addition, five cents;

For every two wheeled pleasure conveyance, drawn by one horse, ten cents;

For every four wheeled pleasure carriage drawn by one horse, twenty cents;

For every cart drawn by one horse, or two oxen, ten cents; for every horse or ox in addition, five cents;

SEC. 7. That whenever five continuous miles of said road is completed, according to the provisions of the said act, for the regulation of turnpike companies, the aforesaid company may erect a gate, and receive tolls from persons traveling said road, at the above specified rates; provided that such persons shall be exempt from paying tolls as are exempted in the eleventh section of said act, saving only persons conveying public mails of the United States which last mentioned persons shall not pass free, as in the said act provided.

SEC. 8. That said company, and the corporators thereof, shall be subject to the provisions of all acts now in force, or which may be hereafter enacted for the purpose of governing and regulating turnpike companies generally in this state, and also an act instituting proceedings against corporations not possessing banking powers, and the visitatorial powers of courts, and to provide for the regulation of corporations generally, passed March seventh, one thousand eight hundred and forty two.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 10, 1845

AN ACT

To incorporate the Ohio Baptist Education Society.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Edward Turney, Ralph Parsons, Henry Carr, Sylvester Spelman, George Cole, J. M. Courtney, T. G. Lamb, their associates and successors, be and they are hereby created a body corporate and politic, by the name of the Ohio Baptist Education Society, and as such continue for twenty years from the passage of this act.

SEC. 2. That said society may have a common seal, by the name aforesaid may sue and be sued, and choose such officers and make such bylaws not repugnant to the constitution and laws of the United States, and this state, as may be necessary for the promotion of the object of the society.

SEC. 3. Said society may receive and hold any amount not exceeding in value thirty thousand dollars, of personal or real property, and take the same by gift, grant, devise, or purchase, and the same use, enjoy, sell, and convey at pleasure, provided that the income of the property and estate of such society, and the subscriptions and contributions to the same shall be applied annually to the assistance of such young men in their education for the ministry as the society shall determine to be fit subjects thereof.

SEC. 4. It shall not be lawful for said society to engage in, or carry on, any other business, nor do or perform any act that shall not be necessary to enable them to carry into effect the objects for which it was created, nor shall the corporate funds be used for any other purpose whatever than such as contemplated by this act.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 10, 1845.

AN ACT

To reduce the territorial limits of the corporation of Middlebury, in the county of Summit.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the western boundary of the corporation of Middlebury, in the county of Summit, be and the same is hereby limited by a line parallel with the east line of said corporation, and so far west therefrom as to cross the road leading from Middlebury to North Akron, at the forks of the road east of the dwelling house of Charles W. Brown, where the road from Middlebury to South Akron, which runs by the dwelling house of Moses Smith, Esq., diverges from said first mentioned road.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 10 1845.

AN ACT

To incorporate the Cooper Female Academy, in Dayton.

Whereas, a number of the citizens of Dayton, in the county of Montgomery, have associated themselves by written articles of agreement, under the name of the Cooper Female Academy, and have procured a suitable lot of land in the town of Dayton, and have erected thereon a large and commodious brick building, for the reception and accommodation of students; and, whereas, said association cannot conveniently carry into effect its laudable designs without an act to incorporate its members, and a conversion of its property and subscription list into the form of transferable stock; therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Samuel Forrer, Edward W. Davies, Robert C. Schenck, Richard Green, J. D. Phillips, Robert W. Steele, and their associates, be and they are hereby declared a body corporate and politic, by the name of the Cooper Female Academy, and as such shall remain and have perpetual succession with power forthwith to convert the amount subscribed by each individual, constituting said association, into shares of fifty dollars each, transferable by assignment on the books of the corporation, by the owner, or in case of his or her death, by his or her executor or administrator; and all the real and personal estate, now held and owned by said association, shall be held and owned by said corporation, which shall be capable in law of receiving and disposing of said real and personal estate, for the use of said academy; provided that the annual income of said property shall not amount to more than five thousand dollars.

SEC. 2. Said corporation, by the name aforesaid, may sue and be sued, plead and be impleaded, defend and be defended, in any court of law or equity; they may have a common seal, and may alter or change it a pleasure; they may make, ordain and establish such articles, regulations and bylaws, not inconsistent with the laws of the United States, and of this state, or with the original articles of association of this society, as they may from time to time think necessary or expedient, for the proper management of the financial and prudential affairs of said academy.

SEC. 3. That the stockholders of said association, who are hereby declared to be stockholders of this incorporation, or so many of them as may see fit, with their successors, shall annually meet, at the said academy building, on the first Monday of December, and shall then and there, between the hours of twelve, M., and four o'clock, P. M., elect by ballot, from among the shareholders, six directors, the three oldest of whom shall serve for two years, and the other three for one year; and thereafter said shareholders shall annually, on said day, elect from among themselves three directors to serve for two years, so that one half of said directors shall be elected every year, who shall serve until their successors are elected and qualified; and at all elections each shareholder shall be entitled to one vote for each share he or she may own, and if by neglect, or any other cause, an election should not be held on the day appointed, the directors for the preceding year shall continue to be directors for the next ensuing year, and said board shall have power to fill all vacancies that may happen in their own body, until the next election; said board shall have power to elect from their own body a

president and secretary, and from amongst the shareholders, a treasurer; said president, secretary and treasurer to serve for one year, and until their successors are appointed and qualified.

SEC. 4. Said board of directors, any three of whom shall form a quorum, shall make all purchases, sales and contracts that in their opinion may be necessary or expedient for the benefit of the institution; they shall have the exclusive power of prescribing rules and regulations for the good government of said academy, and of directing what branches of literature and of the arts and sciences shall be taught therein; they shall employ such professors, teachers, and assistants, on such terms as they may think proper; they shall have the management and disposition of the funds and property of the institution, and shall have full power and authority to do all such other matters and things as they may judge necessary for the benefit and good government of said institution, provided they be not inconsistent with the laws of the United States, or of this state, or with the original articles of association, which are hereby declared to be binding on the corporation created by this act; and, provided further, that said institution shall not have banking powers.

SEC. 5. That all conveyances of lands, grants, contracts, and premises heretofore made by, to, or with, the stockholders in said Cooper Female Academy, or any other person or persons, their heirs and assigns, for the use or on account of said association, and all devises, legacies, and bequests for the use of said academy, shall be operative and effective in law to all intents and purposes, and all the rights, privileges, and advantages secured thereby, or intended to be, for the benefit of said society, shall absolutely vest and be confirmed in the corporation hereby created, and said corporation shall have full power and authority to collect by suit, or otherwise, all subscriptions heretofore made to said association under said articles of association.

SEC. 6. Special meetings of the stockholders may be called at any time by said board of directors, or by any five of the shareholders, upon giving ten days' notice in some newspaper printed in Dayton, stating the time and object of said meeting; said board of directors shall also give notice, by publication for two weeks in some newspaper printed in Dayton, of the time of said annual election. It shall also be the duty of said board to keep a fair record of their proceedings, which shall at all times be open to the inspection of the shareholders; they shall lay before the shareholders at each annual election, a list of the names of the members of said corporation, with the number of shares owned by each; they shall also, at the same time, lay before said members a statement of the financial condition of said corporation.

SEC. 7. That until the first annual election to be held under this act, the trustees heretofore elected under said articles of association, to wit: the said Samuel Forrer and the others named in this act, shall so continue to act until their successors are chosen and qualified.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 10, 1845.

AN ACT

To amend the several acts incorporating the town of Portsmouth, in the county of Scioto.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That the president and common council, of the town of Portsmouth, are hereby authorized and empowered, when they shall deem the same necessary to the well being of the Portsmouth Public Schools, and the interests of said town, to dispense, by ordinance, with the instruction, in said schools, of youths under six, and over sixteen years of age; provided that youths over four, and under six years of age, shall not be excluded from said school between the first day of May and the first day of November, in each year.*

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 10, 1845.

AN ACT

To incorporate the Akron Institute.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That Simon Perkins, James R. Ford, Eliakim Crosby, Lucius V. Bierce, Edwin Angel, Samuel A. Wheeler and Henry W. King, and their associates, be and they are hereby created a body politic and corporate, with perpetual succession, by the name and style of The Akron Institute, and by that name shall be competent to contract and be contracted with, sue and be sued, answer and be answered unto, plead and be impleaded, defend and be defended in any court of competent jurisdiction, and in all manner of actions whatsoever; may have a common seal, and change or alter the same at pleasure; and have full power to confer literary and professional degrees.*

SEC. 2. *That the stock of said corporation shall consist of shares of twenty dollars each, and shall be deemed in law, personal property.*

SEC. 3. *That no transfer of stock shall be valid until such transfer is registered in the books of the corporation, to be kept for that purpose.*

SEC. 4. *That there shall be elected on the first Tuesday of June, one thousand eight hundred and forty five, and annually thereafter, by the stockholders of said corporation, seven trustees, five of whom, at least, shall reside within the corporate limits of Akron, who shall hold their offices for one year, and until their successors are elected and qualified; and shall have power to fill, by appointment, all vacancies in their own body, any five of whom shall constitute a quorum for the transaction of business.*

SEC. 5. *That a failure to elect trustees at the annual election shall not affect this charter or the corporation; but on such failure, an election may be held at a special meeting, notice thereof being given by publication in*

some newspaper printed in said town of Akron, for four weeks preceding said special election.

SEC. 6. That the trustees of said corporation shall be capable in law, of receiving, acquiring and holding, either by gift, grant, devise, purchase or otherwise, any real or personal estate, in trust for said corporation; and may sell and convey or transfer the same for the benefit of said corporation.

SEC. 7. That the trustees shall have power to make, ordain and carry into effect such bylaws, rules and regulations as they may deem necessary for the good government of said institute, and for the management and regulation of the property and affairs of said corporation, and the same repeal, annul, alter or amend at pleasure, provided such bylaws, rules, and regulations be not inconsistent with the constitution and laws of this state, or of the United States.

SEC. 8. That each share of stock held by any individual shall entitle him or her to one vote at all meetings of the stockholders.

SEC. 9. That the trustees shall appoint a president, secretary, treasurer, and such professors and agents, as they may deem necessary, prescribe their term of office and salary, and the duties of their offices, respectively.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 10, 1845.

AN ACT

To amend the act entitled An act to incorporate the Trumbull and Ashtabula Turnpike Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That the said company shall have a right to demand and receive from all persons traveling the same, who are not exempted from the payment of toll by the said act, the following rates of toll, for every ten miles of said road, and in the same proportion for a greater or less distance, to wit:*

For every four wheel carriage, drawn by two horses or oxen, twelve and a half cents; for every horse, mule or ox in addition, three cents;

For every two wheel carriage, drawn by two horses, mules or oxen, ten cents; for every horse, mule or ox in addition, three cents;

For every sled or sleigh, drawn by two horses, mules or oxen, six cents and a fourth; for every horse, mule or ox in addition, three cents;

For every horse and rider, three cents;

For every horse, mule or ass, led or driven, six months old or upwards, three cents;

For every head of neat cattle, six months old or upwards, one cent;

For every score of sheep or hogs, six and one fourth cents;

For every four wheel pleasure carriage, drawn by two horses or mules,

eighteen cents; for every horse or mule in addition, six and one fourth cents;

For every two wheel pleasure carriage, drawn by one horse or mule, ten cents; for every horse or mule in addition, six and one fourth cents;

For every four wheel carriage, drawn by one horse or mule, twelve and a half cents;

For every two wheel carriage, drawn by one horse, mule or ox, six and a fourth cents;

For every sled or sleigh, drawn by one horse, mule or ox, three cents.

SEC. 2. That the fourth section of the act to which this is an amendment, be and the same is hereby repealed.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

February 10, 1845.

AN ACT

To amend the act to incorporate the town of Cambridge, in the county of Guernsey, passed March 13, 1837.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the town council of the town of Cambridge, in Guernsey county, shall, annually, on or before the first day of June, determine, and furnish the county auditor in writing, the rate of taxation required for corporation purposes, for the next ensuing year, not exceeding in any one year the rate of one cent on the dollar of the value of the taxable property within the corporate limits of said town, as appears by the grand levy for such year; and the auditor of said county shall, in addition to the amount of taxes levied upon the taxable property within the corporate limits of said town for state, county, and other purposes, levy thereon the amount required for corporation purposes, and the same shall be collected by the county treasurer in the same manner that the state and county taxes are collected, and he shall pay over all such moneys to the treasurer of said corporation on the order of the recorder thereof, and the treasurer of said county shall be allowed for collecting such tax, the same fees as are allowed for the collection of state and county taxes, provided that the per centage to be allowed such treasurer for taxes collected under this act, shall come under the lowest rate per cent. allowed such treasurer for the collection of taxes for state and county purposes, and shall be paid out of said corporation funds.

SEC. 2. That any tax heretofore levied by said town council for the use of said town, which remains unpaid in whole or in part at the taking effect of this act, shall be certified by the recorder of said corporation to the county auditor, who shall place the same on the duplicate in addition to the amount of tax levied for the year next ensuing, to be collected and paid over by the county treasurer, as provided in the first section of this act.

SEC. 3. That so much of the eighth section of the act entitled an act to incorporate the town of Cambridge, in the county of Guernsey, passed March thirteenth, one thousand eight hundred and thirty seven, and all other parts of said act conflicting with the provisions of this act, be and the same is hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 10, 1845.

AN ACT

To amend the act entitled "An act to incorporate the Troy and Stillwater Turnpike Company."

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the proviso to the seventh section of the act entitled "an act to incorporate the Troy and Stillwater Turnpike Company," passed March seventh, one thousand eight hundred and forty two, provided that said incorporation shall not have power to contract debts to an amount greater at any time than their means actually on hand, together with their means which may reasonably be expected to accrue within one year thereafter, be and the same is hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 18, 1845.

AN ACT

To authorize the sale of section sixteen, in Tiffin township, Williams county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That section sixteen, in the township of Tiffin, or township number five, north, of range number four, east, in the county of Williams, be and the same is hereby authorized to be sold according to the provisions of the act entitled "an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto," passed February second, one thousand eight hundred and forty three.

SEC. 2. That no part of said section shall sell for less than five dollars per acre, nor less than the appraised value thereof.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 18, 1845.

AN ACT

Further to amend the act to provide for the draining of certain ponds in the county of Butler, passed March 2, 1838.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the canal ditches and drains, which have been made under the provisions of the act to which this is an amendment, and the act amendatory thereto, passed March twelfth, one thousand eight hundred and thirty nine, shall be hereafter under the control, supervision, and charge of the commissioners of the county of Butler, who shall have power to put and keep said canal ditches and drains in good repair, and to adopt such means as may be necessary for that purpose.

SEC. 2. It shall be the duty of the several persons upon whose lands said canal and ditches are located and through which they pass, to keep said canal ditches and drains, and every part thereof in good order and repair.

SEC. 3. If any of the owners of the land through which said canal ditches and drains pass and run, shall, at any time hereafter, permit the same to become filled up or obstructed by timber, logs, brush, or rubbish, so that the water shall not have a free and clear passage along and through said canal ditches, and drains, it shall be the duty of the commissioners of the county of Butler to notify the owner or agent of such tract of land, if residing in the county of Butler, to remove such obstruction, and to clear out said canal ditches and drains, so far as they pass and run through the land of such person; and if such person shall neglect, for thirty days after such notice, to remove such obstruction, or to clear out said canal ditches and drains; or, if the owner of such land or his agent does not reside in the county of Butler, the commissioners of the county of Butler shall proceed to have said obstructions removed, and said canal ditches and drains repaired and cleaned out; and the person upon whose land such obstruction existed, shall be liable in an action of debt, at the suit of the county of Butler, to pay all the expenses and costs of removing said obstructions, and cleaning out said canal ditches and drains. And if such person does not reside in the county of Butler, or if the said expenses and costs cannot be collected from him, then the amount of such expenses and costs shall be charged to said tract of land on which said obstruction existed, on the books of the auditor of Butler county, and added to the state and county taxes charged on said tract of land, and collected in the same manner that state and county taxes are collected.

SEC. 4. If any person shall willfully injure or obstruct said canal ditches or drains, or shall place or put any rubbish therein, such person shall be liable to pay a penalty of not more than twenty dollars, nor less than five dollars, to be recovered in an action of debt, in the name of the county of Butler, before any justice of the peace, or any other court of competent jurisdiction, and such person shall also be liable to pay for removing such obstruction, or repairing the injury done by him.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

February 18, 1845.

AN ACT

To change the names of Margaret Beckett and Tamson Lavinia Beckett.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That the names of Margaret Beckett, and her daughter, Tamson Lavinia Beckett, of the county of Butler, be and the same are hereby changed to Margaret Norman and Tamson Lavinia Norman.*

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 25, 1845.

AN ACT

To incorporate the Mad River, Urbana and Kenton Turnpike Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That John Steinberger, John Reynolds, David Gwynne, Jacob Kauffman, Jacob H. Patrick and their associates, be and they are hereby created a body corporate, under the name of the Mad River, Urbana and Kenton Turnpike Road Company, for the purpose of constructing a road from the Dayton and Mad River Valley Turnpike, at a point below said Steinberger's mill, in Champaign county, to the town of Urbana, in said county, and thence to the town of Kenton, in Hardin county, which company shall have all the rights, privileges and powers, and be subject to all the restrictions defined in the act to provide for the regulation of turnpike companies, passed January seventh, one thousand eight hundred and seventeen, and the several acts amendatory thereto, except in so far as the same may be modified or changed by the special provisions of this act.*

SEC. 2. The capital stock of said company may be fifty thousand dollars, divided into shares of fifty dollars each.

SEC. 3. That the above named commissioners shall meet at Urbana, at such time as they shall think fit and proceed to organize said company, and take order for the opening of the books for the subscription of the stock agreeably to the second section of said act to provide for the regulation of turnpike companies.

SEC. 4. That as soon as sixty shares of the capital stock of said company shall be subscribed, the above named commissioners shall call a meeting of the stockholders, in the manner prescribed in the third section of the said act to provide for the regulation of turnpike companies, for the election of five directors for the government of said company.

SEC. 5. That said company be and they are hereby authorized to demand and receive, from persons traveling said road, the following tolls for every ten miles travel on said road, and in the same proportion for a less distance, to wit:

For every four wheeled carriage, drawn by two horses, oxen, or mules, ten cents; for any horse, mule or ox, in addition, five cents;

For every sled or sleigh, drawn by two horses, mules, or oxen, ten cents; and for every horse or ox, in addition, five cents;

For every horse and rider, five cents;

For every horse, mule or ass, six months old or upwards, led or driven, three cents.

For every head of neat cattle, six months old or upwards, one cent;

For every head of sheep or hogs, one half cent;

For every four wheeled pleasure carriage, drawn by two horses, twenty cents; for every horse in addition, five cents;

For every two wheeled pleasure carriage, drawn by one horse, ten cents.

For every four wheeled pleasure carriage, drawn by one horse, fifteen cents;

For every cart drawn by one horse, or two oxen, or mules, ten cents; for every horse, mule or ox, in addition, five cents;

SEC. 6. That whenever five continuous miles of said road are completed, according to the provisions of said act, for the regulation of turnpike companies, the aforesaid company may erect a gate, and receive tolls from persons traveling said road, at the above specified rates, provided that such persons shall be exempt from paying tolls as are exempted in the eleventh section of the aforesaid act, for the regulation of turnpike companies, saving, only persons conveying the public mails of the United States, which last mentioned persons shall not pass free as in the said act provided.

SEC. 7. That the county commissioners of the counties of Champaign, Logan and Hardin, are hereby authorized to subscribe, in the name of their respective counties, for so much of the capital stock of said company as they may think will be conducive to the interest of said counties.

SEC. 8. That if said corporators shall not commence work on said road within three years, and complete said road in ten years from the passage of this act, then this act shall be, and is hereby declared null and void.

SEC. 9. That said company and the corporators thereof, shall be subject to the provisions of all acts now in force, or which may hereafter be enacted for the purpose of regulating turnpike companies, generally, in this state; and it shall not be lawful for said company at any time to contract debts or liabilities greater than the amount of the capital stock, bona fide subscribed by responsible stockholders, as capital stock to said company, and which, at the time of contracting said debts, remains unexpended, to which may be added the income expected to arise within three years from the time of so contracting, from other sources than from the capital stock subscribed to said company.

SEC. 10. That so much of an act entitled "an act to establish a free turnpike road from the south boundary of Champaign county to Upper Sandusky, in Crawford county, and to establish a free turnpike road from Jefferson, in Madison county, to Troy, in Miami county," passed March seventeen, one thousand eight hundred and thirty eight, as is inconsistent with this act, be and the same is hereby repealed.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

February 18, 1845.

AN ACT

To incorporate the Amanda and Miltonville Turnpike Road and Bridge Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Samuel Dickey, Aaron Ball and Charles Starr, of Butler county, and their associates, be and they are hereby created a body corporate, under the name of the Amanda and Miltonville Turnpike Road and Bridge Company, for the purpose of constructing a turnpike road, commencing at Amanda; thence the nearest and best way, till it intersects the Middletown and West Alexandria Turnpike Road, also to construct a tollbridge on the route of said turnpike road, at a point on the Great Miami river, at or near Ball's ferry, which company shall have all the rights, privileges and powers, and be subject to all the restrictions defined in the act, passed January seventh, one thousand eight hundred and seventeen, and the several acts amendatory thereto, except in so far as the same may be modified or changed by the special provisions of this act.

SEC. 2. The capital stock of said company may be thirty thousand dollars, divided into shares of twenty five dollars each.

SEC. 3. That the above named commissioners shall meet at Amanda, at such time as they shall think fit, and proceed to organize the said company, and take order for the opening of books for the subscription of stock, agreeably to the second section of the said act, to provide for the regulation of turnpike companies, as also for the erection of said bridge.

SEC. 4. That as soon as five thousand dollars shall be subscribed the above named commissioners shall call a meeting of the stockholders in the manner prescribed in the third section of the said act, to provide for the regulation of turnpike companies, for the election of five directors for the government of said company.

SEC. 5. That said company be and they are hereby authorised to demand and receive from persons traveling said road the following tolls for every ten miles travel on said road, and in the same proportion for a less distance, to wit:

For every four wheeled carriage, drawn by two animals, twenty five cents; for every animal in addition, five cents;

For every sled or sleigh, drawn by two animals, ten cents; for every animal in addition, five cents;

For every horse and rider, five cents;

For every horse, mule or ass, six months old or upwards, led or driven, three cents;

For every head of neat cattle, six months old or upwards, one cent;

For every head of sheep or hogs, one half cent;

For every four wheeled pleasure carriage, drawn by two animals, thirty cents; for every animal in addition, five cents;

For every two wheeled pleasure carriage, drawn by one horse, twenty cents;

For every cart, drawn by one horse or two oxen, ten cents; for every animal in addition, five cents.

SEC. 6. That whenever five continuous miles of said road are completed, according to the provisions of the said act, for the regulation of turnpike companies, the aforesaid company may erect a gate or gates, and receive

tolls from persons traveling said road, at the above specified rates; provided that such persons shall be exempt from paying tolls as are exempted in the eleventh section of the aforesaid act, for the regulation of turnpike companies, saving only persons conveying the public mails of the United States, which last mentioned persons shall not pass free as in the said act provided.

SEC. 7. That said company and the corporators thereof, so far as it shall relate to the said turnpike road, shall be subject to the provisions of all acts now in force, or which may be hereafter enacted, for the purpose of governing and regulating turnpike companies, generally, in this state, and also an act instituting proceedings against corporations not possessing banking powers, and the visitorial powers of courts, and to provide for the regulation of corporations generally, passed March seventh, one thousand eight hundred and forty two.

SEC. 8. That said corporation, be and they are hereby authorized to erect a tollbridge on the route of said turnpike road over the Great Miami river, at or near Ball's ferry; provided that in the erection of said bridge, said company shall in no wise, injure or obstruct the navigation of said river.

SEC. 9. That said company shall be further authorized to begin and complete, at the discretion of the stockholders, either the road or bridge, or both, as they may determine.

SEC. 10. That so soon as said company shall have erected and completed a good and substantial bridge of proper width, and in other respects, of sufficient strength, and dimensions, having a convenient footway, with hand railings, and cartway or cartways, so as to admit of the safe passage of passengers, teams and carriages, of the usual descriptions, within five years from the passage of this act, they shall, from the completion of said bridge, as aforesaid, enjoy all the privileges of this act.

SEC. 11. That after the completion of said bridge, as aforesaid, the said company are hereby authorized to demand and receive from passengers, who may cross said bridge, not more than the following rates of tolls, to wit:

For each foot passenger, three cents;

For every horse, mule or ass, one year old and upwards, four cents;

For each horse and rider, twelve and a half cents;

For every chaise, chair, gig, or two wheeled pleasure carriage, with one horse and driver, twenty five cents; the same, with two horses and driver, thirty seven and one half cents;

For every coach, chariot or other pleasure carriage, with four wheels, drawn by two animals, driver included, fifty cents; the same, drawn by four animals, seventy five cents;

For every sled or sleigh, drawn by one animal, with the driver, eighteen and three fourth cents; for every animal in addition, six and a fourth cents;

For every wagon, drawn by two animals, with driver, thirty seven and one half cents; and for every animal in addition, six and one fourth cents;

For every head of neat cattle, six months old or upwards, two cents;

For every head of sheep or hogs, one cent; provided that all troops of the United States, and of this state, with their baggage and stores, persons attending elections or musters, all persons who are, or may hereafter be exempt from payment of ferriage, within this state, and persons attend-

ing worship on Sundays, and all funeral processions may pass said bridge free from the tolls aforesaid.

SEC. 12. That said company, previous to receiving any toll, shall set up and keep in a conspicuous place, over or near the gate to be erected on said bridge, a board, on which shall be painted or printed in a plain and legible manner, the rates of toll allowed by this act.

SEC. 13. That if said company shall demand and receive any higher or greater tolls than is by this act allowed, they shall be subject to the like fines and penalties, which are or may be provided in cases of fines; and any future legislature may regulate the rates of toll to be taken at said bridge.

SEC. 14. That the said company shall have power to make such by-laws, rules and regulations, for the government of all matters pertaining to said bridge, as they may deem expedient, not inconsistent with the laws and constitution of the United States and of this state, or the provisions of this act, provided that they shall under no pretence exercise the privileges of banking.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 18, 1845.

AN ACT

To incorporate the Jackson Academy, in the County of Jackson.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That James H. Hughes, Daniel Hoffman, Jacob Westfall, Chapman Ishman, John M. Martin, Aaron Walterhouse, and William M. Martin, and their associates and successors, be and they are hereby created a body corporate and politic, by the name and style of the "Jackson Academy," to be located in the town of Jackson, in the county of Jackson, and as such, shall be entitled to all the rights, privileges and immunities granted by, and subject to all the restrictions contained in "an act to regulate incorporated literary societies, passed March seventh, one thousand eight hundred and thirty nine."*

SEC. 2. That the incorporators, or a majority of them, shall give ten days previous notice, by posting up written or printed advertisements in five of the most public places in said county of Jackson, of the first meeting under the provisions of this act.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate

February 18, 1845.

AN ACT

To authorize the Governor to make a certain deed.

Whereas, David Church, of Somerset, Ohio, did, on the eighth day of December, one thousand eight hundred and thirty, purchase of Thomas R. McKnight, then superintendent of the Maumee and Western Reserve road, the northwest quarter of section twenty two, township five, range fourteen, Sandusky county, containing one hundred and fifty nine and forty hundredth acres, of the lands belonging to the state of Ohio, for the constructing a road from the Miami of Lake Erie, to the western line of the Connecticut Western Reserve, as appears from the books of said superintendent, the whole amount of which purchase money has been paid. And, whereas, the said David Church, has never received a certificate of purchase in consequence of the death of said superintendent; therefore—

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio, That the governor is hereby authorized to make a deed to David Church, of Somerset, Perry county, Ohio, for the northwest quarter of section twenty two, township five, range fourteen, east, Sandusky county, containing one hundred and fifty nine and forty hundredth acres, of the lands belonging to the state of Ohio, for the constructing of the Maumee and Western Reserve road, whenever he shall be satisfied that the facts set forth in the preamble to this act are correct.*

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 18, 1845.

AN ACT

To authorize the sale of School Section number Sixteen, in Milford township, in the county of Williams.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio, That school section number sixteen, in township number five, north, range number one, east, in Williams county, being in the organized township of Milford in said county, be and the same is hereby authorized to be sold, and such sale shall be governed in all respects by the provisions of an act entitled "an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto," passed February second, anno domini, one thousand eight hundred and forty three.*

Sec. 2. That no part of said section shall be sold for a less sum than five dollars per acre, nor less than the appraised value thereof.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 18, 1845.

AN ACT

To lay out and establish a State Road in the counties of Coshocton and Knox.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That John Holt, jr. and Thomas Boggs, of the county of Coshocton, and John R. Gamble, of the county of Knox, be and they are hereby appointed commissioners to lay out and establish a state road, commencing at Walhonding, in Coshocton county, thence the nearest and best route to the town of Cavallo, in Knox county.

SEC. 2. That the commissioners, named in the first section of this act, shall be governed in all respects by the law now in force defining the mode of laying out and establishing state roads, passed March fourteenth, one thousand eight hundred and thirty one, and the act amendatory thereto, passed March twentieth, one thousand eight hundred and forty one.

SEC. 3. That if either of the commissioners aforesaid shall die, refuse to serve, or remove out of their respective counties, the commissioners of the county where such vacancy may happen, shall, on application being made, fill such vacancy as often as it may occur.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 18, 1845.

AN ACT

To provide for the sale of forfeited lands and lots in Wood county.

Whereas, on the fifteenth day of February, one thousand eight hundred and forty four, the general assembly of the state of Ohio passed an act for the sale of forfeited lands and town lots, in the county of Wood; and, whereas, the auditor of said county, entertaining doubts as to the time intended for said sale, declined any action under the provisions of said act; therefore—

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the auditor of the county of Wood be and he is hereby authorized and required, immediately after the passage of this act, to prepare a list of all the unredeemed lands and town lots, forfeited to the state of Ohio, for the nonpayment of taxes, prior to the year one thousand eight hundred and forty four, together with all the taxes due and unpaid on the same, including the taxes of the current year, and that he abate from said taxes all excesses charged by reason of illegal levies, or otherwise, and make return of such corrected list to the auditor of state on or before the first day of March next.

SEC. 2. That the auditor of state shall correct, from said list, the record in his office, and immediately return a transcript of his own corrections to the said auditor of Wood county, who, after correcting from such

transcript, his own record, shall proceed to advertise the sale of said lands and town lots, for four consecutive weeks, next preceding the second Monday of June, in the year one thousand eight hundred and forty five; and upon said second Monday of June shall proceed to sell said lands, and shall continue said sale from day to day till the same shall be sold or offered for sale, and the notice hereby required to be given shall specify that said sale will be so continued from day to day if necessary; provided that no tract or parcel of said land shall be struck off for a sum less than the amount of tax, interest and penalty, charged against said tract or parcel of land, but the same shall be continued upon the list of delinquent lands, and offered for sale again on the days provided by the general law providing for the sale of forfeited lands.

SEC. 3. In the performance of the several duties required by this act, as well as other duties relating to the sale of forfeited lands, generally, the said auditor of Wood county shall proceed, in all things, not conflicting with the provisions of this act, in accordance with the act entitled "an act to provide for the sale of lands forfeited to the state, for the nonpayment of taxes, passed the fourteenth day of March, one thousand eight hundred and thirty one.

SEC. 4. That the rights of the purchaser or purchasers of any lands or town lots, sold under the provisions of this act, shall be equally as full and perfect as if the said lands and town lots had been sold under the general act now in force for the sale of forfeited lands.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 18, 1845.

AN ACT

To incorporate the trustees and subscribers of the New Orphans' Asylum of Colored Children, of Cincinnati.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That William Donaldson, Richard Pullan, John Woodson, and their associates, are hereby incorporated under the name of the Trustees and Subscribers of the New Orphans' Asylum of Colored Children, of Cincinnati, and by that name may act and shall be liable as a corporation.

SEC. 2. The corporation hereby created may acquire and possess real and personal property to an amount not exceeding fifty thousand dollars, and may have an income not exceeding five thousand dollars per annum, which property and income shall be appropriated exclusively to the use of an asylum for orphan colored children.

SEC. 3. The affairs of the corporation shall be managed by nine trustees, corporators residing in Cincinnati, and regularly elected. The first election shall be held on the first Monday of May, A. D., one thousand eight hundred and forty five, when three trustees shall be elected to serve for one

year, three for two years, and three for three years, and shall continue in office until their successors shall be chosen. At each succeeding annual meeting an election shall be held, at which trustees, in room of the class whose term shall then expire, shall be chosen. The board shall have power to elect trustees to supply any vacancies arising in consequence of the death, removal, or resignation of any trustee, or from any other cause, and the trustees so elected shall serve for the unexpired term of those whom they succeed. At the first meeting after each annual election, the board of trustees shall elect a president, secretary, and treasurer, whose powers and duties shall be determined by the bylaws of the corporation, and the regulations of the board.

SEC. 4. There shall be an annual meeting of the corporators on the first Monday of May, in each year, of which notice shall be given for at least three weeks, in at least three papers of general circulation in Cincinnati; and the board of trustees, at each annual meeting, shall submit a full and detailed report of their proceedings and of the state of the institution; and the corporators may take such action thereon, and pass such bylaws for the government of the board as they may deem necessary.

SEC. 5. All persons who shall subscribe and pay, each, the sum of thirty dollars at one time, or in such installments as the board of trustees may determine, shall be life members of this corporation; and all persons who may subscribe and pay annually, the sum of five dollars, each, shall be members so long as they shall regularly pay such subscription, shall be entitled to vote at any election after the first, unless he shall have paid five dollars of subscription, and also his subscription for the current year, on or before the first day of February next preceding such election.

SEC. 6. William Donaldson, John Woodson, Richard Phillips, Christian Donaldson, Reuben P. Graham, Richard Pullan, Charles Satchell, Louis P. Brud and John Liverpool, shall constitute the first board of trustees, and shall continue in office until the first annual meeting, and the election of their successors.

SEC. 7. That said corporation shall not contract debts beyond the amount of capital stock bona fide subscribed, and if any officer or agent of said corporation shall, knowingly, violate any of the provisions of this act he shall be liable in his or their individual capacity to the person injured, and any violation of said act by said association shall operate as a forfeiture of all privileges herein granted.

SEC. 8. That all property belonging to said corporation shall be exempt from taxation by any law of this state.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February, 18, 1845.

AN ACT

To incorporate the West Alexandria and Euphemia Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That John Saylor, Benjamin Huston, H. A. Garber, Jacob Guber, and H. Linggen, of the county of Preble, and their associates, be and they are hereby created a body corporate under the name of the West Alexandria and Euphemia Turnpike Road Company, for the purpose of constructing a turnpike road from the town of West Alexandria to the national road, in the town of Euphemia, in the county of Preble; which company shall have all the rights, privileges, and powers, and be subject to all the restrictions defined in the act to provide for the regulation of turnpike companies, passed January seventh, one thousand eight hundred and seventeen, and the several acts amendatory thereto, except in so far as the same may be modified or changed by the special provisions of this act.

SEC. 2. The capital stock of said company may be fifteen thousand dollars, divided into shares of twenty five dollars each.

SEC. 3. The above named commissioners shall meet at West Alexandria, at such time as they shall think fit, and proceed to organize said company and make regulation for opening books for the subscription of stock, agreeably to the second section of the said act to provide for the regulation of turnpike companies.

SEC. 4. That as soon as two thirds of the capital stock shall be subscribed, the above named commissioners shall call a meeting of the stockholders in the manner prescribed in the third section of said act to provide for the regulation of turnpike companies, for the election of five directors for the management of said company.

SEC. 5. That said company be and they are hereby authorized to demand and receive from persons traveling said road the following tolls for every ten miles travel on said road, and in the same proportion for a less distance, to wit:

For every four wheeled carriage, drawn by two animals, twenty five cents; for every animal in addition, five cents.

For every sled or sleigh, drawn by two animals, ten cents; and for every animal in addition, five cents.

For every animal and rider, six and one fourth cents.

For every horse, mule, or ass, six months old or upwards, led or driven, three cents.

For every head of neat cattle, six months old or upwards, one cent.

For every head of sheep or hogs, one half cent.

For every four wheeled pleasure carriage, drawn by two animals, thirty cents; for every animal in addition, five cents.

For every two wheeled pleasure conveyance, drawn by one animal, ten cents.

For every four wheeled pleasure carriage, drawn by one animal, twenty cents.

For every cart, drawn by one horse or two oxen, ten cents; for every animal in addition, five cents.

SEC. 6. Whenever one half of said road is completed according to the provisions of the said act to provide for the regulation of turnpike compa-

nies, the aforesaid company may erect a gate and receive tolls from persons traveling said road, at the above specified rates; provided that such persons shall be exempt from paying tolls as are exempted in the eleventh section of the aforesaid act for the regulation of turnpike companies, saving only persons conveying the public mails of the United States, which last mentioned persons shall not pass free, as in the said act provided.

SEC. 7. That said company and the corporators thereof, shall be subject to the provisions of all acts now in force, or which may hereafter be enacted for the purpose of regulating turnpike companies, generally, in this state.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 19, 1845.

AN ACT

To incorporate sundry Churches therein named.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That John Keller, Abner Thorp, and George Moore, with their associates and successors, be and they are hereby created a body corporate and politic, by the name and style of the Hopewell Presbyterian Church, in Montgomery, Sycamore township, Hamilton county, in connection with the general assembly of the Presbyterian church, in the United States of America.

SEC. 2. That Milton Smith, Wm. S. Myers, Michael Buraway, John Farber, sen., John Dixon, D. K. Nixon, their associates and successors in office, be and they are hereby created a body corporate and politic, by the name of the First English Evangelical Lutheran Church, in Sandyville, Tuscarawas county, Ohio.

SEC. 3. That M. S. Tinker, A. J. Bennet, Jacob Willard, and Charles Kidders, their associates, and successors in office, be and they are hereby created a body corporate and politic, by the name of the English Evangelical Lutheran Church, in Bolivar, Tuscarawas county, Ohio.

SEC. 4. That George Will, Thomas Drake, Peter Lance, and their associates, together with such persons as may be associated with them, be and they are hereby created a body corporate and politic, by the name of the English Evangelical Lutheran Church, at Adelphi, in Ross county.

SEC. 5. That William Alexander, William Woods, James H. Young, Peter Penland, John Pyle, James Brown, together with their associates, and those who may be associated with them hereafter, be and they are hereby created a body corporate and politic, by the name of the Beulah Presbyterian Church, of New Paris, in the county of Preble, under the care and government of the general assembly of the Presbyterian church, in the United States.

SEC. 6. That Lyman B. House, Charles W. Friend, Charles R. Bachelor, Hiram Palmer, Moses Wade, William S. Bachelor, Henry Wycoff,

Philip Leonard, and Anthony Ireland, trustees, with their associates and successors, be and they are hereby created a body corporate and politic, by the name of the Hamline Chapel of the Methodist Episcopal Church, in Lockland, Sycamore township, Hamilton county.

Sec. 7. That Cornelius Fox, John D. Miller, M. Kimmel, Samuel Rogers, John D. Rex, A. Kuhn, F. J. Ruth, Peter Fox, jr. George Bam-
baugh, John Dult, trustees, with their associates and successors, be and they are hereby created a body corporate and politic, by the name of the Evangelical Lutheran German Reform Congregation, of German township, in Richland county.

Sec. 8. That the churches herein before named shall be severally entitled to all the rights, privileges, and immunities, and be subject to all the restrictions of an act entitled "an act in relation to incorporated religious societies," passed March fifteenth, one thousand eight hundred and thirty six; also, to the act entitled "an act securing to religious societies a perpetuity of title to lands and tenements, conveyed in trust for meeting houses, burying grounds, or residences for preachers," passed January third, one thousand eight hundred and twenty five.

Sec. 9. That said corporators shall give ten days notice of their first meeting under this act, by advertisement in three public places in the vicinity of such churches.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 19, 1845.

AN ACT

To incorporate the Mutual Life Insurance Company of Ohio.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That E. N. Sill, Charles R. Miller, Joseph S. Lake, Birdsey Booth, Harvey Baldwin, Cyrus Prentiss, T. P. Handy, Jared P. Kirtland, George Mygatt, Heman Ely, Albert A. Bliss, J. S. Carpenter, Frederick Wadsworth, John A. Foote, Zalmon Fitch, Laurin Dewey, Henry Newberry, William L. Perkins, Seabury Ford, Samuel Quinby, John M. Wooley, Ephraim T. Sturtevant and Thomas Earle, and all other persons who may hereafter associate with them, in the manner hereinafter prescribed, and their successors, be and they are hereby created a body politic and corporate, by the name and style of the Mutual Life Insurance Company of Ohio, and, by that name, shall be competent to prosecute and defend actions of every kind, before all courts of law and equity; may have a common seal and change the same at pleasure; may make and execute, alter and repeal, all such bylaws and regulations as may be necessary for the government of said company and management of its business, provided the same are not inconsistent with the laws of the United States or of this state. The said corporators shall have the power to insure their

respective lives, and to make all and every insurance appertaining to, or connected with, life risks, and to grant and purchase annuities.

SEC. 2. The real estate which it shall be lawful for the said corporation to purchase, hold and convey, shall be such as shall be requisite for its immediate accommodation in the convenient transaction of its business, or such as shall have been mortgaged to it in good faith by way of security for loans previously contracted, or for moneys due, or such as shall have been conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or such as shall have been purchased at sales upon judgments, decrees or mortgages, obtained or made for such debts; but all real estate, so held or purchased, except such as is necessary for the accommodation of said company in the convenient transaction of its business, shall be sold and disposed of within three years after the said company shall have acquired title to the same, if the same can be sold without loss to the said company.

SEC. 3. All persons who shall hereafter insure with said company, and also their heirs, executors, administrators and assigns, continuing to be insured in said company, as hereinafter provided, shall thereby become members thereof, during the period they shall remain insured by such company, and no longer.

SEC. 4. All the corporate powers of the said company shall be exercised by a board of trustees, and such officers and agents as they may appoint; the board of trustees shall consist of twenty four persons; they shall elect a president, annually, and shall have power to determine what number of trustees, not less than seven, shall be a quorum for the transaction of business.

SEC. 5. The persons named in the first section of this act shall constitute the first board of trustees.

SEC. 6. The trustees shall, at their first meeting, divide themselves, by lot, into four classes of six each; the term of the first class shall expire at the end of one year, the term of the second class shall expire at the end of two years, the term of the third class shall expire at the end of three years, the term of the fourth class at the end of four years, and so on successively; the seats of these classes shall be supplied by the members of said company, a plurality of votes constituting a choice; but an insurance of five hundred dollars in amount shall be necessary to entitle any member to a vote; the board of trustees may fill any vacancies in their number occasioned by death, resignation, removal from the state, or neglect for more than one year to attend the regular meetings of the board; the election of trustees shall be held on the first Tuesday of June, in each year, at such place as shall be designated by the board of trustees, of which due notice shall be given by advertisement in some newspaper or newspapers in general circulation in the several counties named in the sixteenth section; and the board of trustees shall appoint three of the members of said company inspectors to preside at such election.

SEC. 7. The trustees may determine the rates of insurance and the sum to be insured, provided that said company shall not make any individual insurance for a greater amount than ten thousand dollars.

SEC. 8. Every person who shall become a member of said company by effecting insurance therein, shall, before he receives his policy, pay the

rates that shall be fixed upon and determined by the trustees; and no premium so paid, shall ever be withdrawn from said company, except as hereinafter provided, but shall be liable to all the losses and expenses incurred by said company.

SEC. 9. It shall be lawful for the said corporation to invest the said premiums in the securities hereinafter designated, and to sell, transfer and change the same, and reinvest the funds of said corporation when the trustees shall deem it expedient.

SEC. 10. The trustees may invest, not exceeding one half of the funds of the company in public stocks of the United States or of this state; and the residue not so invested shall be invested in bonds and mortgages on unincumbered real estate, within the state of Ohio, on such terms as may be agreed on, and at a rate of interest not exceeding seven per centum per annum; the real property to secure such investment shall in every case be worth, at least, twice the amount loaned, independently of the perishable improvements thereon, and the said trustees shall have power on agreement with any person or persons to whom payment on account of the expiration of any life or lives insured, may become due, to assign any of such public stocks or bonds and mortgages to pay such claim in whole or part, which assignment shall be made by the president, under the seal of said company, and the assignee or assignees thereof, shall thereupon be invested with all the rights and interests therein previously invested in said company.

SEC. 11. Suits at law may be maintained by said corporation against any of its members for any cause relating to the business of said corporation; also, suits at law may be prosecuted and maintained by any member against said corporation for losses by death, if payment is withheld more than three months after the company is notified of such losses; and no member of said company, not being in his individual capacity a party to such a suit, shall be incompetent as a witness in any such cause on account of his being a member of said company.

SEC. 12. The officers of said company, at the expiration of five years from the time that the first policy shall have been issued and bear date, and within thirty days thereafter, and during the first thirty days of the close of every subsequent period of five years, shall cause a balance to be struck of the affairs of the company in which they shall charge each member with a proportionate share of the losses and expenses of said company, according to the original amount of premium paid by him, but in no case to exceed the amount of the premium. Each member shall be credited with the amount of said premium, and also with a proportionate share of the profits of said company, derived from investments and earnings; and in case of the death of any member of the said company the amount standing to his credit at the last preceding striking of balance as aforesaid, together with the proportion which shall be found to belong to him at the next subsequent striking of said balance, shall be paid over to his legal representatives or assigns within three months after the said last mentioned balance shall be struck. Any member of the company who would be entitled to share in the profits, who shall have omitted to pay any premium, or any periodical payment due from him to the company, may be prohibited by the trustees from sharing in the profits; and all such pre-

vious payments made by him shall remain and be for the benefit of the said company.

SEC. 13. Within the said first thirty days after each of said periods of five years, the officers of the said company shall cause to be made a general statement of the affairs of the company, which shall be entered in a book prepared for that purpose, and which shall be subject to the inspection of any member of the company. Said statement shall exhibit—

First: The amount of premiums received during the said period.

Second: The amount of expenses of the said company during the said period.

Third: The amount of losses incurred during the same period.

Fourth: The balance remaining with the said company.

Fifth: The nature of the security on which the same is invested, or loaned, and the amount of cash on hand. The books of said company shall be open to the examination of any member thereof, during the usual hours of business.

SEC. 14. No policy shall be issued by said company until application shall be made for insurance, in the aggregate, for one hundred thousand dollars; and the trustees shall have the right to purchase, for the benefit of the company, all policies of insurance, or other obligations issued by the company.

SEC. 15. The first meeting of the trustees shall be held at Cuyahoga Falls, within three months after the passage of this act, of the time and place of which meeting, due notice shall be given to said trustees by mail, at least ten days prior to said time, by the first two of the above named trustees, or, in their failure to give said notice, by any other two of said named trustees. For want of a quorum, or for other cause, said trustees may adjourn from time to time, and meet upon such adjournment.

SEC. 16. The trustees of said company shall, at their first meeting, establish an office for the transaction of the company's business at such place in either of the counties of Ashtabula, Geauga, Lake, Trumbull, Cuyahoga, Portage, Sammit, Medina, Lorain, Huron or Erie, as shall be determined by a majority thereof.

SEC. 17. That it shall be lawful for any person to effect an insurance on his life for any definite period of time, or for the term of his natural life, to inure to the benefit of his general estate or to the sole benefit of his widow and children, or of either, as he may cause to be appointed and provided, and the sum or net amount of the insurance becoming due and payable by the terms of the insurance, shall be payable to his widow or to his children for their own use, as may have been provided in the policy, free from the claims of the representatives of such person effecting the insurance, or of any of his creditors, but such exemption shall not apply where the amount of premium, annually paid, shall exceed the sum of one hundred and fifty dollars, and in case of such excess, there shall be paid to the beneficiaries named in the policy, such portion of the insurance as the sum of one hundred and fifty dollars will bear to the whole annual premium, and the residue to the representatives of the deceased. It shall be lawful for any married woman, by herself, and in her own name, or in the name of any third person, with his assent as her trustee, from her separate property, to cause to be insured for her sole use, the life of her husband, for any

definite period, or for the term of his natural life, and in case of her surviving her husband, the sum or net amount of the insurance becoming due, and payable, by the terms of the insurance, shall be payable to her, and for her own use, free from the claims of the representatives of her husband or of any of his creditors. In case of the death of the wife before the decease of her husband, in either of the cases where the insurance has been secured for her benefit or use, the amount of the insurance may be made payable after her death, to her children, for their use, and to their guardian if the children be under age.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.

DAVID CHAMBERS.

Speaker of the Senate.

February 19, 1845.

AN ACT

To authorize the Commissioners of Hancock county to subscribe to the capital stock of the Mad River and Lake Erie Railroad Company, for the purpose herein specified.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Hancock county are hereby authorized to subscribe, on behalf of said county, to the capital stock of the Mad River and Lake Erie Railroad Company, the sum of sixty thousand dollars, or such sum as shall be sufficient for the purpose of constructing a permanent railway or branch from the main track of the Mad River and Lake Erie Railroad, to the town of Findlay, in the county aforesaid; and for the purpose of paying such subscription, said commissioners are hereby authorized to make and issue the bonds of said county, bearing interest at a rate not exceeding six per centum per annum, payable to said company, or any other person or persons, or body corporate; provided that no such bonds shall be issued for any sum less than one thousand dollars.

SEC. 2. That the commissioners, aforesaid, shall have power to control the stock subscribed under the provisions of this act, to sell the same or any part thereof, and apply the proceeds to the payment of the bonds issued, but to no other purpose whatever; to provide for the payment of the annual interest, and for the final redemption of the bonds so issued, and such other powers as may be necessary to carry into effect the provisions of this act.

SEC. 3. That the commissioners, aforesaid, shall give at least three weeks notice in all the newspapers printed in said county, to the qualified electors of said county, to vote at the annual election to be held on the first Monday in April, one thousand eight hundred and forty five, for or against the subscription authorized by this act, and if a majority of the electors, aforesaid, voting for and against a subscription, shall be in favor of the same, the subscription may be made and not otherwise.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

February 19, 1845.

AN ACT

To incorporate the Firemen's General Association, of the City of Cleveland.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That all persons who are now, or may hereafter become active members of any of the Fire Companies which are now, or may hereafter be organized in the city of Cleveland, by the city council thereof, as the fire department of said city, be and they are hereby constituted a body politic and corporate, by the name and style of The Firemen's General Association, of the city of Cleveland, and by that name shall be capable of contracting and being contracted with, suing and being sued, in all courts of law and equity, and shall have full power to acquire by purchase, gift or otherwise, such real or personal estate as may be necessary and convenient for the transaction of its business, or as may be conveyed to said association in payment of any debt or judgment, and the same to sell and convey at pleasure.

SEC. 2. That there shall be created by said association a fund, which shall consist of such property, real, personal or mixed, as shall be owned by the association, and of all such donations and contributions in money, or otherwise, as shall be made thereto by any person or persons, the sole object and design of which is hereby declared to be the relief of firemen, disabled while on duty; and no portion of the said fund shall ever be appropriated to any other purpose whatever, except the necessary expenses incidental to the management thereof; and for the purpose of augmenting said fund, and thereby more effectually to promote the benevolent design to be accomplished thereby, it shall be lawful for said association to lend at a rate of interest not exceeding seven per centum per annum, in advance, all or any part of the money of which said fund shall be composed, under such rules and regulations, and upon such security as may be deemed expedient by the board of directors of the association.

SEC. 3. The officers of this association shall be a president, secretary and treasurer, all of whom shall all be active firemen, and shall be elected annually on the first Tuesday in June, at such time and place, and under such regulations as the laws of the association shall direct, who shall respectively hold their offices until their successors are elected and give bond; and each fire company, consisting of thirty members, or more, shall on the same day appoint two directors, who shall be a board of directors, and shall have the sole management, together with the president, secretary and treasurer, of the concerns of the association, except the making of laws, and the adoption of measures to increase the fund by donation. The president, secretary and treasurer, shall respectively give bond, before entering upon their duties, to the association, to be approved by the board, for the faithful discharge of their duties, but shall receive no stated salary; the board, however, may, if it shall think proper, allow said officers such compensation as they shall deem just and equitable.

SEC. 4. That for the temporary organization of the association under this act, J. B. Emmons shall be president, D. H. Cutler, secretary, William McGaughy, treasurer, and Lewis R. Giles, J. J. Vinall, directors, from engine company, number one; John Gill, James B. Wilber, from engine

company, number two; David L. Wood, James Barnett, from engine company, number four; James Lloyd, and David Whitehead, from engine company, number five; James Proudfoot, and Edward Wall, from hook and ladder company, number one; and Aaron Lewentritt and Henry Helleny, from hose company, number one, who shall respectively hold their offices until the first Tuesday in June, as is hereinbefore mentioned, and until their successors respectively are elected.

SEC. 5. That on the passage of this act, the secretary shall call the association together by giving three days notice, either in some daily newspaper published in said city, or by posting up handbills in the public streets of said city, at which meeting, the members of said association shall have power to make such bylaws, rules and regulations, not inconsistent with this act, the laws of the state of Ohio, and of the United States, as they deem proper for the furtherance of the object above expressed; and said association shall have power at any time thereafter to alter, amend or add to such bylaws, rules and regulations, due notice having been given of such proposed action, and a majority of the members present at such meeting, concurring therein.

SEC. 6. That all mesne process shall be served upon this corporation, by leaving an attested copy thereof with the president, treasurer, secretary or any member of the board of directors thereof, at least ten days before the return day thereof.

SEC. 7. This act shall take effect from and after the passage thereof.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 19, 1845.

AN ACT

To incorporate the Huron Plank Road Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That* Josiah Tracy, Winthrop H. Wright, George S. Patterson, Darius G. Branch, David Fairchild, John W. Wickham, Tower Jackson, George S. Haskins, Horace Holliday, Asa Sprague, C. W. Atwater, of the county of Erie, and all other persons who shall become associated with them by subscribing to the capital stock of said company, be and they are hereby constituted and declared a body corporate and politic, with perpetual succession, by the name and style of the Huron Plank Road Company, for the purpose of constructing a plank road from the town of Huron, in Erie county, to such point or points in the counties of Erie and Huron, and by such route as the directors of such company shall deem most eligible, and for such purposes, the said company is hereby authorized and empowered to have and receive, purchase, possess, enjoy, and retain, lands, rents,

goods, chattels, and effects of any kind, and to any amount necessary to carry into effect the objects of the corporation, and the same to use, sell, alien, and dispose of at pleasure; to sue and be sued, defend and be defended, in all courts having competent jurisdiction; to have and use a common seal, the same to alter, break, and renew at pleasure; to ordain and establish such rules, regulations, and bylaws as may be necessary for the well being of said corporation, subject, however, to the restrictions and limitations contained in this act.

SEC. 2. That the capital stock of said company shall consist of fifty thousand dollars, divided into shares of fifty dollars each, and shall be transferable in entire shares, in such manner as the rules of the corporation prescribe, provided that no stockholder, without the consent of the directors, shall be at liberty to transfer his stock after any installment is ordered, until such stockholder shall have paid the amount due on his stock.

SEC. 3. That the persons named in the first section of this act, or in case they should not all choose to serve, then any number of them not less than five, shall be commissioners to receive subscriptions, and do and perform all necessary acts to organize the company; and they are hereby authorized and empowered to cause books to be opened at such times and in such places as a majority of those acting shall think proper, to receive subscriptions to the capital stock of said company; the commissioners may, if they think proper, require ten per centum of the amount of each subscription to be paid at the time it is subscribed, and each subscriber shall be bound to pay, from time to time, such installments on his, her, or their stock, as the directors may lawfully require.

SEC. 4. That when one hundred shares shall be subscribed, the commissioners shall call a meeting of the subscribers, by causing notice of the time and place of such meeting to be published in some newspaper in general circulation in the places where the books shall have been opened, and the stock subscribed, for thirty days next preceding such time of meeting, and on such notice being given, the stockholders shall meet at the time and place appointed, and elect directors, and adopt such bylaws and regulations for the government of the corporation as shall be lawful and expedient; the stockholders to vote in person or by proxy, each share to be entitled to one vote.

SEC. 5. That the affairs of said company shall be managed by five directors, or a majority of them, who shall be elected by the stockholders, once in three years, unless a shorter period shall be ordained by the bylaws of the corporation, and they shall hold their offices until their successors shall be chosen and qualified, and each director shall be a stockholder at the time of his election, and shall cease to be a director when he ceases to be a stockholder; the directors shall have power to fill all vacancies in their own board, which shall happen from death, removal, or otherwise.

SEC. 6. That the directors, before entering upon the discharge of their duties, shall take an oath or affirmation, faithfully and impartially to discharge their duties; shall choose a president from among their number; shall appoint such other officers and agents as shall be provided for by the bylaws; determine upon the amount of any bonds that they may see fit to exact from any officers of the company, and pass upon their sufficiency; determine the amount of installments to be called for, upon subscriptions; declare

dividends, and take the general charge and supervision of the affairs of said company.

SEC. 7. It shall and may be lawful for said directors to enter upon, and take possession of, any lands, roads, streets, alleys, stones, timber, and earth necessary for the laying out and construction of said plank road, and all necessary appurtenances and appendages, doing no unnecessary damage, having first tendered or secured payment therefor; and in case any land or materials, &c., wanted to be appropriated for the purposes aforesaid, shall not be given or granted to said corporation, and the proprietor or proprietors cannot or do not agree with the directors as to the amount of damages or compensation which ought to be allowed or paid for the same, and shall not mutually agree on some person or persons to appraise the damages, it shall be lawful for the directors to apply to any judge of the court of common pleas of the county in which said damages shall arise, not a stockholder in said company, who shall appoint three disinterested freeholders of said county to assess the damages; and the directors shall give notice to said persons of their appointment, and also to the claimant or claimants, his or their agent or attorney, or advertise the same in some newspaper in general circulation in the vicinity thereof; and it shall be the duty of the persons so appointed, to attend at the time and place so specified in the notice, who, after being duly sworn or affirmed faithfully and impartially to discharge their duties, shall proceed on actual view, to make estimate, and appraise any damage such owner or owners may sustain, taking into consideration the benefits such owner or owners may derive from said improvement, and shall make a certificate of such appraisement, with a particular description of the premises if necessary; to which certificate they, or a majority of them, shall sign their names, and deliver to each party a copy, if requested, and immediately thereafter, if no damages are assessed, or on the payment or tender of the money, to the amount of damages assessed, to the person or persons entitled thereto, or their agent, attorney or legal representatives, the said directors may proceed to enter upon and occupy said lands, or use such materials, and a complete title thereto, to the extent and for the purposes set forth in, or contemplated by, this act, shall be thereby vested and forever remain in said company; provided, however, that if either party shall consider themselves aggrieved by the decision of the appraisal so as aforesaid made, such party may apply to the court of common pleas of the proper county, at the succeeding term of said court, or if there should not be a quorum of said court disinterested, then to the supreme court at their next term in said county, giving ten days notice of such intention to the adverse party, and the said court, upon good cause shown, shall appoint three disinterested freeholders, who shall, after being duly qualified, proceed to view and appraise the damages, and shall certify their proceedings in the same manner as the former appraisers, and their decision shall be final and determinate, but the pendency of any such application to the court, shall not, in the mean time, hinder the progress of the work; and, provided further, that the said company shall not take possession of more than sixty feet in width for said road.

SEC. 8. That whenever said company shall have constructed the said plank road by covering the same with plank two and a half inches thick,

and of sufficient width for the accommodation of teams, and shall have completed the same in a good and substantial manner, the same shall forever thereafter be and remain a public highway, free for the passage of animals, teams, and travelers of every description, on payment of such tolls as the board of directors may establish, from time to time, under the provisions of this act.

SEC. 9. That in consideration of the expenses which said company will necessarily incur, in constructing said road, with the appurtenances thereof, and in keeping the same in repair, the said road and its appurtenances, together with all tolls and profits arising therefrom, are hereby vested in said corporation, and the same shall be forever exempt from any tax, imposition, or assessment whatever.

SEC. 10. That on every three miles of said road, when so much shall be completed according to the true intent and meaning of this act, the president and directors shall have power to erect tollgates, and ordain and establish a rate of tolls, which shall be paid upon all animals, teams, travelers, and property of every description passing on said road; and for the collection of said tolls they shall appoint collectors and erect gates and tollhouses, and may ask, demand, and receive the said tolls under this act, provided, however, that they shall in no case exceed the rates now charged on the Western Reserve and Maumee road, to be graduated by the board of directors.

SEC. 11. That whenever the whole or three miles of said road shall be completed, the president and directors of said company may apply to the court of common pleas of any county through which said road may pass, whenever the same is in session, or to any judge thereof in vacation, not interested in said road, whose duty it shall be to appoint three disinterested freeholders commissioners to examine said road, and if said commissioners shall be of opinion that said road is constructed according to the true intent and meaning of this act, they shall give to said president and directors a certificate thereof, which shall entitle said company to demand tolls under this act.

SEC. 12. The company shall be entitled to the benefit of all laws, for the protection of turnpike roads and the collection of tolls, which have been or may be passed by the legislature of this state.

SEC. 13. That in case said road shall not be commenced within two years, and at least three continuous miles finished within five years from the passage of this act, all privileges granted by this act shall be null and void.

JOHN M. GALLAGHER.
Speaker of the House of Representatives.
 DAVID CHAMBERS,
Speaker of the Senate.

February 19, 1845.

AN ACT

To authorize the sale of School Section Number Sixteen, in Townsend township, in the county of Sandusky.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That School Section number Sixteen, in township five, north, of range seventeen, east, in Townsend township, in the county of Sandusky, be and the same is hereby authorized to be sold, and such sale shall, in all respects, be governed by the provisions of an act entitled "an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto," passed February second, one thousand eight hundred and forty three.

SEC. 2. That no part of said section shall sell for less than five dollars, nor less than the appraised value thereof.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 18, 1845.

AN ACT

An act to authorize Robert Noffsinger to construct a dam across the Tuscarawas River, in Tuscarawas county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Robert Noffsinger, of Tuscarawas county, is hereby authorized and empowered to construct a dam across the Tuscarawas River, at such point on said river, being on the lands of the said Noffsinger, as will enable him to turn the water of said river to a certain sawmill owned by him, and heretofore supplied by waste water from the Ohio canal, said sawmill being situated between the Ohio Canal and the Tuscarawas River, about three miles above the town of Canal Dover, in Tuscarawas county; but it is hereby provided that said dam shall not be raised to exceed five feet above low water mark; and it is further provided that the erection of said dam shall not be so authorized as to cause the water of said river to set back upon the lands of any landholder along the banks thereof, without first having obtained the permission of such landholder.

SEC. 2. This act shall take effect from and after its passage, provided that the legislature may alter the same whenever they shall deem that the public interest demands it.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 19, 1845.

AN ACT

To amend the act entitled "An act to incorporate the Dayton, Xenia, and Washington Turnpike Road Company," passed January 29, 1844.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the directors of the Dayton, Xenia and Washington Turnpike Road company are hereby authorized to commence said road at such point at the city of Dayton, as they may think proper, and continue the same on the most expedient and practicable route to the town of Washington, in Fayette county, or to some point on the turnpike road leading from Washington to Circleville, and to locate and construct said road to or by such intermediate points as to them shall appear most convenient and proper.

SEC. 2. That so much of the act incorporating said company as conflicts with the provisions of this act, and so much thereof as gives to any future legislature the right to repeal or amend said act, and so much thereof as renders the stockholders liable in their natural and individual capacity, for the debts of said company, be and the same is hereby repealed; provided that said company shall not contract debts or liabilities at any time to an amount greater than the amount of its means on hand, and the amount payable at a time or times certain, within three years from the time of contracting on stock subscribed and held by responsible stockholders, unless at the time of making such contract the party contracting with said company be informed of such want of means, on the part of such company, and by agreement in writing specify the time or manner in which such debt shall be paid.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 1, 1845.

AN ACT

To amend the act entitled "An act to provide for the regulation of Turnpike Companies," passed January 7, 1817.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That every turnpike company incorporated under the provisions of the act entitled "an act to provide for the regulation of turnpike companies," passed January seventh, one thousand eight hundred and seventeen, shall likewise be subject to the provisions and restrictions, and enjoy the privileges and immunities, granted by this act, except so far as may be otherwise provided in the particular act incorporating any such company.

SEC. 2. That the commissioners named in the act incorporating any turnpike company, shall meet at such time and place as they shall think proper, and proceed to organize such company, and open books for the

subscription of stock, agreeably to the second section of the act to provide for the regulation of turnpike companies, to which this is an amendment; and as soon as one hundred shares shall have been subscribed to any such company, the commissioners shall call a meeting of the stockholders in the manner prescribed in the third section of the act to which this is an amendment.

SEC. 3. That the board of directors of turnpike companies, created under the provisions of this act, shall consist of not more than nine, nor less than five members, to be determined by the stockholders at any regular meeting for the election of such board.

SEC. 4. That the capital stock of companies, incorporated under the provisions of this act, shall be divided into shares of not less than twenty, nor more than fifty dollars each, and be paid in installments as required by the second section of the act to which this is an amendment, unless the person or persons making such subscriptions of stock, shall, by an agreement in writing, change the time and manner of paying the same.

SEC. 5. That whenever five continuous miles of any such road are graveled or macadamized, and otherwise completed, according to the provisions of the act to which this is an amendment, the company constructing the same may erect a gate or gates thereon, and receive from persons traveling on or using said road, the following tolls for every ten miles travel on such road, and in the same proportion for any less distance, to wit:

For every four wheeled carriage, other than pleasure carriages, drawn by two horses, oxen or other animals, twenty cents; and each additional animal, five cents;

For every sled or sleigh, drawn by two horses, oxen, or other animals, ten cents; and for each additional animal, five cents;

For every horse and rider, five cents;

For every horse, mule, or ass, six months old or upwards, led or driven, three cents;

For every head of neat cattle, six months old or upwards, one cent;

For every head of sheep or hogs, one half cent;

For every four wheeled pleasure carriage, drawn by two horses, or other animals, twenty five cents; for each additional animal, five cents;

For every two wheeled pleasure carriage, drawn by one horse, or animal, ten cents;

For every four wheeled pleasure carriage, or buggy, drawn by one horse or other animal, fifteen cents;

For every stage coach, drawn by four horses, or other animals, fifty cents;

For every cart, drawn by one horse, or mule, or by two oxen, ten cents; for every horse or ox in addition, five cents.

SEC. 6. That so much of the eleventh section of the act to which this is an amendment, as provides that persons conveying the public mails of the United States shall pass free from tolls, is hereby repealed.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

February 25, 1845.

AN ACT

To incorporate the proprietors of Woodland Cemetery, in Greene county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Joshua Martin, John Ewing, Henry G. Beatty, James C. McMillan, James McCarty, James Galloway, Abraham Hivling, E. F. Drake, Thomas C. Wright, Samuel Puterbaugh, John Kendall, John B. Allen, John N. Merrick, David W. Brown, Francis Harris, Otway Curry, James A. Scott, their associates and successors, be and they are hereby created a body corporate, by the name of the Woodland Cemetery, by which name they shall have power to contract and be contracted with, sue and be sued, have and use a corporate seal, make and alter bylaws, and do all other acts and things necessary and proper for effecting the object of their incorporation, which is to provide a place of repose for the dead.

SEC. 2. Any person may become a member of this corporation, by becoming the owner of one or more Cemetery lots, as the same shall be laid off by the board of directors, and the ownership of a lot shall entitle the owner or owners thereof to one vote at all meetings; but no member shall have more than one vote.

SEC. 3. The affairs of this corporation shall be managed by a board of directors, consisting of nine persons, members of the corporation, to be elected by ballot, and to receive a majority of the votes; the first election shall be held at a time and place, to be designated by the first ten persons above specifically named, as incorporators, who shall be commissioners for organizing the corporation; of which election the same notice shall be given as is herein provided for other elections; and every person who shall have subscribed and paid for a lot shall be entitled to a vote at this election; immediately after the first election the board shall be divided, by lot, into three classes, consisting of three each; the first class shall hold their office until the next annual meeting, thereafter, the second class, a year longer than the first, and the third class, a year longer than the second, so that at each annual meeting, after the first election, there shall be three directors chosen to serve for three years, and all vacancies previously existing shall be supplied; but in case of a failure to elect, those directors previously in office, shall hold over until their successors are elected, and in case of a vacancy occurring between any two annual meetings, the board shall have power to fill such vacancy, until the next annual meeting; a quorum of the board for all purposes shall be five persons.

SEC. 4. The annual meeting for the election of directors shall be held on the first Monday of October in each year; but special meetings shall be called by the president, at the request, in writing, of ten members, of which as well as of the annual meetings, ten days notice shall be given by advertisement in at least one newspaper of general circulation in Greene county.

SEC. 5. The board of directors shall, at their first meeting, after each annual election, elect, by ballot, a president from their own body, and two persons from the members of the corporation, to act as secretary and treasurer. These officers shall hold their offices for one year, and until their successors shall be appointed and qualified; and the treasurer shall give bond with surety, to be approved by the board, in such sum as the bylaws shall direct, for the faithful performance of his duties.

SEC. 6. This corporation is authorized to purchase, or take by gift, or devise, and hold land exempt from execution and taxation, and from any appropriation to public purposes, for the sole purpose of a Cemetery, not exceeding thirty acres. After paying for such land, all future receipts, whether from the sale of lots, from donations, or otherwise, shall be applied exclusively under the direction of the board to laying out, preserving, protecting and embellishing the Cemetery, and the avenues leading thereto, and to paying the necessary expenses of the corporation. No debts shall be contracted in anticipation of future receipts, except for originally laying out, inclosing, and embellishing the grounds and avenues, for which a debt, or debts, may be contracted, not exceeding five hundred dollars in the whole, to be paid out of future receipts; and no lots shall be sold by the corporation on credit, but the board of directors shall have power to appropriate lots for the interment of such meritorious persons, not members, as they may see proper.

SEC. 7. The original conveyance of lots from the corporation to individuals, shall be evidenced by a certificate, signed by the president, and countersigned by the secretary, and under the seal of the corporation, specifying that such a person is owner of such a lot, and such a certificate shall vest in the proprietor, his heirs and assigns, a perpetual right to the use of such lot, exempt from execution, attachment or taxation, for the sole purpose of interment, under the regulations of the corporation, or to be transferred by him to others, either in whole or in part, for that sole purpose, with the assent of the board; and in case of such transfer, from a member or members, to another person, it shall be made in writing, on a book of the corporation to be kept for that purpose; whereupon, the former certificate shall be surrendered, and a new one issued to the transferee for the whole or part thereof, as the case may require; but no original certificate shall be granted to any person who does not produce a receipt from the treasurer that he has paid for his lot in full; nor shall any person be the proprietor of more than three lots at the same time, unless by the unanimous consent of the board of directors.

SEC. 8. For the purposes of convenient selection and description, the board of directors shall cause a plat to be made of the lots to be disposed of for interment, designating such lots by consecutive numbers, which plat shall be recorded on the books of the corporation; the original choice of lots between those who shall have subscribed and paid for them, prior to the time of making the selection, shall be determined in such manner as the board of directors shall prescribe; and after the original selection shall have been thus determined, future purchasers may select from the lots not previously appropriated.

SEC. 9. The board of directors shall have power to inclose, improve, and adorn the ground and avenues, and to erect buildings for the general use of the corporation, and to prescribe rules for the inclosing, adorning, and erecting monuments in the cemetery lots, and to prohibit any use, division, improvement, or adornment of a lot which they may deem improper; and they shall make report of their doings to each annual meeting of the corporation.

SEC. 10. Any person who shall wilfully destroy, mutilate, deface, injure or remove any tomb, monument, or gravestone, or other structure

placed in the cemetery aforesaid, or any fence, railing, or other work for the protection or ornament of the said cemetery, or of any tomb, monument, or gravestone, or other structure aforesaid, or of any cemetery lot within the cemetery aforesaid, or shall wilfully destroy, cut, break, or injure, any tree, shrub, or plant, within the limits of the said cemetery, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, before any court of competent jurisdiction, be punished by a fine of not less than five dollars, nor more than five hundred dollars, and by imprisonment in the county jail for a term of not less than one, nor more than thirty days, according to the nature and aggravation of the offence, and such offender shall also be liable in an action of trespass, in the name of the said corporation, to pay all such damages as have been occasioned by his unlawful act, or acts; which money, when recovered, shall be applied by the said corporation, under the direction of the board of directors, to the reparation and restoration of the property destroyed or injured as above; and members of said corporation shall be competent witnesses in said suits.

SEC. 11. This act shall be regarded as a public act, and shall take effect from its passage.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 25, 1845.

AN ACT

To enable Amos Dye, and Charles Atkinson, to surrender their leases to certain school lands.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Amos Dye and Charles Atkinson, are hereby authorized and permitted to surrender any permanent leases they may hold, and take deeds for their lots or tracts of land held by them respectively, to any part of section number sixteen, in township number three, of range number seven, in Washington county, being land granted by congress for school purposes, and that such surrender shall be made, and in all respects be governed according to the provisions of the act entitled "an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto," passed February second, one thousand eight hundred and forty three, and the act amendatory thereto, passed March twelfth, one thousand eight hundred and forty four.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 26, 1845.

AN ACT

To incorporate the Rocky River Seminary.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That* Robert Cochran, Cyrus P. Dryden, Edward S. Hamlin, James Steele, Seymour W. Baldwin, Jotham Howe, Chauncey Fitch, Thomas F. Husted, Hiram Frisbee, John Turner and John Barnum, of the counties of Cuyahoga and Lorain, and their associates and successors, be and they are hereby created a body politic and corporate, to be styled the Board of Trustees of the Rocky River Seminary, and by that name to remain in perpetual succession, with full power to sue and be sued, to plead and be impleaded, to acquire, hold, and convey property, real and personal, to have and use a common seal, to alter and renew the same at pleasure, to make and alter from time to time, such bylaws as they may deem necessary for the government of said institution, its officers, agents and servants; provided such bylaws shall not be inconsistent with the constitution and laws of the United States and of this state; also to have power to confer on those whom they may deem worthy, such honors and degrees as are usually conferred in similar institutions.

SEC. 2. That the said institution shall remain where it is now located, in Olmsted, Cuyahoga county, and shall afford instruction in literature, arts and sciences, and the trustees may, as they find themselves able, and the public good requires, erect additional departments for such other branches of education as they may think necessary or useful.

SEC. 3. That the board of trustees shall, from time to time, appoint a principal and other instructors and officers, and also agents of the institution as may be necessary; that the principal and instructors, so appointed, shall constitute and be called the Board of Instruction, and shall have power to exercise parental government and discipline over the students of said institution, and make all necessary rules and regulations for such government; that the board of trustees shall have power to displace and remove any or either of said instructors, officers or agents, for good and sufficient reasons; and also, to increase the number of the board of trustees to twelve, exclusive of the president; fill vacancies which may occur by resignation, death or otherwise, in said board, or among said officers or agents, and prescribe and direct the course of study to be pursued in said institution and its departments.

SEC. 4. The principal of the institution shall be, ex-officio, a member of the board of trustees and president of the same; and in his absence, the board shall elect one of its own members to preside for the time being; and if any of said trustees shall be permanently appointed principal of said institution, his office, as trustee, shall be deemed vacant, and the board of trustees shall fill the same.

SEC. 5. Any seven of the twelve members of the board of trustees shall constitute a quorum to do business, and the board shall hold their first meeting on the second Wednesday of March, one thousand eight hundred and forty five, at the seminary building, in Olmsted, Cuyahoga county, and afterward, they shall meet on their own appointment, but of necessity, the president, with the advice of two trustees, may call a special meeting of the board, or any five members of the board may call such a meeting, by

giving to each member at least seven days notice before the time of said meeting.

Sec. 6. The board of trustees shall faithfully apply all funds, by them collected and received, according to their best judgment, in erecting suitable buildings, supporting the necessary officers, instructors and agents, and in procuring books, maps, charts and other apparatus necessary to the wellbeing and success of the institution; provided, nevertheless, that in case any donations or bequests shall be made for particular purposes, not inconsistent with the designs of this institution, and the trustees shall accept and receive the same, every such donation or bequest shall be applied in conformity to the conditions or designs of the donor.

Sec. 7. The treasurer shall always, and all other agents, when required, before entering on the duties of their appointments, give bonds for the security of the corporation and the public, in such penal sums and with such sureties as the board of trustees shall approve; and all process against the corporation shall be by summons, and the service of the same shall be by leaving an attested copy with the treasurer of the institution, at least ten days before the return thereof.

Sec. 8. The legislature shall have a right to amend this act when they deem it necessary, provided that no fund or property belonging to the said institution shall ever be by law appropriated to any other purposes than those named in the charter.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 26, 1845.

AN ACT

Supplementary to an act entitled "An act to incorporate the city of Chillicothe," passed March 14, 1838.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That on the petition of the owner or owners, of not less than two thirds in value of the property, binding on any section, square, or part of a square, or market place, in said city, the city council shall have, and they are hereby invested with full power to compel, the paving and curbing of the sidewalks thereof, by ordinance, in such manner, and under such penalty as the said city council may deem necessary to enforce the same.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 26, 1845.

AN ACT

To authorize the Commissioners of Hardin county, to levy an additional tax for road purposes.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio, That the county commissioners of Hardin county be and they are hereby authorized to levy an additional tax on the grand levy of said county, not exceeding in any one year the sum of five mills on the dollar, for road purposes.*

Sec. 2. *The sum assessed and collected, authorized in the foregoing section, shall be expended upon the roads in the several townships where the same was collected, under the direction of the trustees of each township, provided that nothing in this act contained shall prevent the payment of said tax in labor, under the direction of the supervisors of highways, in the appropriate road district.*

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 26, 1845.

AN ACT

To incorporate the Olive Branch Lodge, number Thirty Four, of Independent Order of Odd Fellows, of Newark, Ohio, and other lodges therein named.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio, That Edward H. Dennis, Aaron B. Newburgh, George W. Hamill, Edward M. Fitch, Thomas J. Barney, Daniel Humphrey, Henry B. Ten Eyck, John B. Green, E. Milton Joslin, J. M. Byer, and J. H. Marple, and their associates, members of Olive Branch Lodge, number thirty four, of the Independent Order of Odd Fellows, and their regular successors, be and they are hereby created a body politic and corporate, for the term of thirty years in succession, by the name and style of Olive Branch Lodge, Number Thirty Four, of the Independent Order of Odd Fellows, of Newark, Ohio, and by that name are hereby invested with power and authority to acquire, hold, possess, use, and occupy, and enjoy, real and personal estate, to the amount of ten thousand dollars, and to sell and convey, or otherwise dispose of the same, under the bylaws, rules, and regulations of the aforesaid lodge, provided that such bylaws, rules, and regulations be not contrary to the constitution and laws of this state, or of the United States; and the said corporation, by its name aforesaid, shall be competent to contract, and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts and places whatsoever, and to have and use a common seal, and the same to alter at pleasure; provided, further, that the powers hereby granted shall not be used for banking, insuring property, or any thing not expressly granted by the provisions of this act.*

Sec. 2. *That John Benson, E. W. Weir, L. P. Lott, and A. Bliss, and*

their associates, members of the Mahoning Lodge, Number Twenty Nine, of the Independent Order of Odd Fellows, of Warren, Trumbull county, and their successors, be and they are hereby created a body politic and corporate, by the same and style of Mahoning Lodge, Number Twenty Nine, of the Independent Order of Odd Fellows, and as such shall have all the usual powers of a body corporate and politic, for the purposes connected with the necessary and convenient transaction of their business and affairs, and may have and use a common seal, and may alter and renew the same at pleasure; provided that said incorporation shall not hold real or personal property to a greater amount than ten thousand dollars.

Sec. 3. That James M. Keyes, Isaac W. Parker, C. W. Jacobs, Isaac Crosby, James Brown, J. W. Wilson, James B. Williamson, John J. Marker, James Myera, S. E. Dogget, R. P. Judkins, Jonas R. Earrie, James E. Dogget, John Stewart, and their associates, members of Lafayette Lodge, Number Twenty Five, of the Independent Order of Odd Fellows, at Hillsborough, Highland county, Ohio, be and they are hereby created a body politic and corporate, by the name and style of the Lafayette Lodge, Number Twenty Five, of the Independent Order of Odd Fellows, and as such shall have all the usual powers of a body corporate and politic, for purposes connected with the necessary and convenient transaction of their business and affairs; and may have and use a common seal, and may alter and renew the same at pleasure; provided that said incorporation shall not hold real or personal property to a greater amount than five thousand dollars.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 26, 1845.

AN ACT

To authorize the sale of Section Sixteen, in Washington township, Allen county.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That section sixteen, in township six, of range five, east, in the township of Washington, in the county of Allen, be and the same is hereby authorized to be sold, according to the provisions of the act entitled "an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto," passed February second, one thousand eight hundred and forty three.

Sec. 2. No part of said section shall be sold for less than five dollars per acre, not less than the appraised value thereof.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 26, 1845.

AN ACT

To amend the act entitled "An act to incorporate the town of Akron, in the county of Portage," passed March 12, 1836.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That from and after the taking effect of this act it shall not be lawful for the marshal of the town of Akron, in the county of Summit, to sell lands delinquent for the nonpayment of taxes assessed by the town council of said town; but he shall make return of such delinquencies to the auditor of the county of Summit, who shall enter the same in the list of lands delinquent, for the nonpayment of taxes, in his office, and the same proceedings shall be had thereon to enforce the collection of such corporation taxes by sale of the lands, or otherwise, as are had in reference to lands delinquent for state or county taxes, and at the same times and places.

Sec. 2. The funds derived from such corporation delinquent list, shall be, by the treasurer of said county of Summit, paid over to the treasurer of said corporation of Akron, on his demand, at any time after the collection of the same, reserving the same rate of fees as are or may be allowed by law for collecting the last thousand dollars of tax, for state and county purposes.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 26, 1845.

AN ACT

To authorize the Lessees of Section Sixteen, of township four, range seventeen, in York township, in the county of Sandusky, to surrender their leases and take deeds.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the lessees of school section number sixteen, in township number four, in range seventeen, in the township of York, in the county of Sandusky, be and they are hereby authorized to surrender their leases and take deeds, for their lots or tracts of land held by them respectively, in said section, at a sum not less than eight dollars per acre, nor less than its appraised value; and that such surrender shall be made, and in all respects be governed by the provisions of an act entitled an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto, passed February second, one thousand eight hundred and forty three, and the act amendatory thereto, passed March twelfth, one thousand eight hundred and forty four.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 26, 1845.

AN ACT

To lay out and establish a State Road in the counties of Vanwert and Paulding.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Davis Johnson and Thomas Miller, of the county of Vanwert, and Thomas D. Schroufe, of the county of Paulding, be and they are hereby appointed commissioners to lay out and establish a state road, commencing at the St. Marys River, on the state line, between the State of Ohio and Indiana; thence north on said line to the Wabash and Erie Canal.

SEC. 2. The commissioners aforesaid shall be governed, in all respects, by the law now in force establishing state roads, passed March fourteenth, one thousand eight hundred and thirty one.

SEC. 3. Should a vacancy occur in any of the foregoing appointments, by death or otherwise, the commissioners of the respective counties, through which said road may pass, shall forthwith fill the same, on being notified thereof.

SEC. 4. This act shall not take effect until the commissioners herein named, or their successors, shall be duly notified by the proper authorities of the State of Indiana, that they will pay one half of the expense for laying out and establishing said road, and for opening and keeping the same in repair; and the commissioners of the respective counties through which said road may pass, are hereby prohibited from auditing or allowing more than one half of the expense of the same.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 26, 1845

AN ACT

To authorize the sale of School Section Sixteen, in township five, range fifteen, Sandusky township, in Sandusky county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That school section number sixteen, township five, range fifteen, Sandusky township, in the county of Sandusky, be and the same is hereby authorized to be sold, provided no part thereof shall sell for a less price per acre than five dollars, nor less than the appraised value thereof; and such sale shall, in all respects, be governed by the provisions of an act entitled "an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto," passed February second, one thousand eight hundred and forty three.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 28, 1845.

AN ACT

To prevent Nuisances in the county of Cuyahoga.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That if the owner or owners, occupier or occupiers, of any distillery, in the county of Cuyahoga, at, or near which, any cattle or other animals are kept for the purpose of being fed or fattened upon the slop, or other food, the produce of such distillery, shall permit the yards, pens, or stables, or other places wherein such cattle, or other animals are kept or fed, to remain unclean, to the annoyance of the citizens of said county, or any of them, such person or persons so offending, shall forfeit and pay for every such offence, not less than five, nor more than fifty dollars, together with the costs of suit. And if such nuisance shall not be removed or abated within five days thereafter, it shall be deemed a second offence against the provisions of this act; and every like neglect for each succeeding five days thereafter shall be deemed an additional offence against the provisions of this act.

Sec. 2. That all offences against the provisions of this act shall be prosecuted in an action of debt, in the name of the State of Ohio, before any justice of the peace of said county, for the use of the common schools of the township wherein such offence was committed, and all forfeitures and penalties, accruing under the provisions of this act, shall be paid by said justice into the township treasury of the proper township within twenty days after the same shall have been collected, provided that if the defendant, or defendants, shall consider himself, or themselves, aggrieved by the decision of said justice he or they shall have the right to appeal as in other cases.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 26 1845.

AN ACT

To amend an act entitled "An act to incorporate the Welsh Calvinistic Methodist Church, of Cincinnati," passed February 8, 1834.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the property and other concerns of said corporation, shall be under the management and control of five trustees, and such other officers as the said church may think proper to elect. This act to take effect from and after the eleventh day of April next ensuing.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 26, 1845.

AN ACT

To lay out and establish a State Road in the counties of Pickaway and Ross.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Samuel Lutz, William W. Entrekin, and Thomas Huston, of the county of Pickaway, be and they are hereby appointed commissioners, and Philo N. White, of the county of Pickaway, surveyor, to lay out and establish a state road, beginning at the town of Circleville; from thence the nearest and most practicable route to the crossing of Scipio Creek, at the residence of Samuel Evans; thence with the half section line, two and one fourth miles to the county road, passing Edmund Stealey's; thence with said road to the section line between sections twenty eight and twenty nine; thence on the nearest and best route to the intersection of the old Lancaster road, at the residence of Moses Boggs, and thence to intersect the Zanesville and Maysville turnpike, near the residence of the Rev. Mr. Sterna; from thence to the town of Kingston, in Ross county.

SEC. 2. The commissioners named in this act shall be governed, in all respects, by the laws now in force defining the mode of laying out and establishing state roads, passed March fourteenth, one thousand eight hundred and thirty one, and the act amendatory thereto, passed March twentieth, one thousand eight hundred and forty one.

SEC. 3. Should any of the commissioners, or any surveyor, named in this act, die, or refuse to serve, or remove from the county, the Commissioners of the county of Pickaway shall fill such vacancy as often as the same may occur.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 26, 1845.

AN ACT

To amend the act passed February 26, 1840, entitled an act to authorize the sale of the northwest quarter of section twenty seven, township nineteen, range eighteen; and the northwest quarter of section thirty two, of township nineteen, range nineteen; and the southeast quarter of section twenty eight, of township nineteen, range nineteen, in Richland county, belonging to fractional township number eighteen, in ranges eighteen and nineteen, in Knox county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following lands, to-wit: the northwest quarter of section number twenty seven, in township nineteen, of range number eighteen, and the southeast quarter of section number twenty eight, of township nineteen, range nineteen, and the northwest quarter of section number thirty two, of township nineteen, in Richland county; the said northwest quarter of section twenty seven, of township nineteen, range eighteen, belonging to fractional township eighteen, range eighteen, in Knox county; the southeast quarter of section twenty eight, of township nineteen, range nineteen, and the

northwest quarter of section thirty two, of township nineteen, range nineteen, belonging to fractional township eighteen, in range nineteen, in Knox county, shall be appraised by commissioners to be appointed in the manner pointed out in the act to which this is an amendment, and after being so appraised, said lands shall be again offered for sale according to the provisions of that act, and if said lands shall not sell at the first time they shall be offered, this, and the act to which this is an amendment, shall remain in force, so that said lands may be offered from time to time till the same shall have been sold; provided that none of said lands shall be sold for less than five dollars per acre, nor less than the appraised value.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 26, 1845.

AN ACT

To lay out and establish a State Road in the counties of Wayne and Summit.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Samuel Orr, Isaac Johnson, of the county of Wayne, and John Hoy, of Summit county, be and they are hereby appointed commissioners, and C. W. Christmass, of the county of Wayne, surveyor, to lay out and establish a state road, beginning at the town of Wooster, in the county of Wayne; thence the nearest and best route to Marshallsville, thence the most direct route to the Lower Chippewa Bridge, in Summit county; thence to the village of Pomeroy, on the Ohio canal.

SEC. 2. That the commissioners and surveyor, named in this act, shall be governed, in all respects, by the law now in force defining the mode of laying out and establishing state roads, passed March fourteenth, one thousand eight hundred and thirty one, and the act amendatory thereto, passed March twentieth, one thousand eight hundred and forty one.

SEC. 3. Should either of the commissioners, or the surveyor, named in this act, die, or refuse to serve, or remove from the county, the commissioners of the county in which such vacancy shall happen, shall fill the same as often as the same may occur.

SEC. 4. Said viewers shall take such direction in passing through the different farms on the route as will be the least damage to the owners thereof.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 26, 1845.

17—L. L.

AN ACT

To amend the act entitled "An act to incorporate the Ohio Mutual Fire Insurance Company," passed March 11, 1843.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be lawful for said company to insure all kinds of property, against loss or damage by fire, or any other cause or risk, in and out of this state; to make all kinds of insurances on goods, merchandise, or other property, in the course of transportation, whether on land or water, or any vessels or boats, wherever they may be; to make all kinds of insurances upon life or lives; to lend money upon bottomry and respondentia, to cause themselves to be insured against any loss or risk they may have incurred, in the course of their business, and against any maritime or other risks, upon the interest which they may have in any vessel, boat, goods, merchandise, or other property, by means of any loan or loans which they may make on mortgage, bottomry or respondentia; and generally to do and perform all other matters and things connected with, and proper to promote these objects.

SEC. 2. That so much of the act to which this is an amendment, as is inconsistent with this act, be and is hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 25, 1845.

AN ACT

To incorporation the Hunterian Society of the Medical Department of the Western Reserve College.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Samuel St. John, Horace A. Ackley, Jacob J. Delameter, Edmond Day, J. Julius St. Clair, Linus B. Brainard, Calvin Truesdale, James H. Peck, and associates and successors, are hereby made and constituted a body politic and corporate, by the name and style of "The Hunterian Society of the Medical Department of the Western Reserve College," and shall have all the rights, privileges, and powers, and be subject to all the restrictions defined in the act entitled "an act to regulate incorporated literary societies," passed March seventh, one thousand eight hundred and thirty nine.

SEC. 2. That the above incorporators, or a majority of them, shall give ten days previous notice of their first meeting under this act, by putting up written advertisements in the hall of the building occupied by the medical department of the Western Reserve College.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 25, 1845.

AN ACT

To incorporate the Canton and Akron Railroad Company.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Hiram Griswold, William Dunbar, Harman Stidger, George Dewalt, Samuel Lahm, of Canton, and Simon Perkins, Jedediah D. Cummins, Henry W. King, Frederick Wadsworth, and Justus Gale, of Akron, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Canton and Akron Railroad Company, hereby incorporated; and they, or a majority of them, may cause books to be opened for subscription to the capital of said company, at such time and place as they may direct, in the counties of Stark and Summit, after giving thirty days notice thereof, in at least one newspaper printed in each of said counties.

Sec. 2. The capital stock of said company shall be two hundred and fifty thousand dollars, and shall be divided into shares of twenty five dollars each: and said corporation shall not be permitted to commence operations, in constructing said road, until at least one hundred thousand dollars shall have been subscribed, and may enjoy all the rights and privileges conferred by this act as soon as that sum shall have been subscribed.

Sec. 3. All persons who shall become stockholders, pursuant to this act, shall be and they are hereby created a body corporate, by and under the name of the Canton and Akron Railroad Company, having perpetual succession, and by that name shall be capable in law of receiving donations, purchasing, holding, selling, leasing, and conveying estates, real, personal, and mixed; and by said corporate name may form contracts, sue and be sued, and enjoy all the privileges and immunities of natural persons, under the laws of the land; and may have and use a common seal, which they may alter or renew at pleasure.

Sec. 4. As soon as said stock, or one hundred thousand dollars, shall have been subscribed, the above named persons, or a majority of them, shall give ten days notice in the newspapers, as in section one stated, for a meeting of the stockholders, to elect directors; and the said stockholders may attend in person or by proxy lawfully constituted, and choose, by ballot, nine directors from among the stockholders, a majority of whom shall have the charge and supervision of the affairs of the company; and annually thereafter, an election shall be held for the election of directors, under such regulations as may, by said company or its directors, be prescribed; and if no election should take place at the time appointed, the company shall not thereby be dissolved, but the directors previously chosen shall continue in office till the stockholders, owning a majority of the stock, or said directors, may call a new election, and their successors shall have been elected and qualified.

Sec. 5. The directors shall have power to make such bylaws, rules, and regulations, for the government of the agents or servants of said company, as may, from time to time, be deemed essential to its interests; and may determine the time and terms of payment of stock, the number and kinds of tracks, turnouts, branches, carriages, conveyances, storehouses, depots, and other fixtures and machinery; prescribe the mode of transfer.

ring stock, and determine all other matters in relation thereto, as may be required.

SEC. 6. The said company, by the directors, officers, agents, and servants, shall have the right to enter upon any land, to survey and lay down said road, of such width as may be deemed necessary, and to take any materials necessary for the construction and repair of said road adjacent thereto; and whenever any land or materials shall be taken for the construction or repair of said road, and the same shall not be donated to said company, and the owners do not agree with said company as to the compensation to be paid therefor, the person or persons claiming compensation, or if the owner or owners of said property are minors, insane persons, or married women, then the guardian or guardians of such minors or insane persons, and the husbands of such married women, may select for themselves one arbitrator, and the said company shall select one, and the two thus selected shall choose a third, who shall be sworn, and paid as arbitrators in other cases, and the three, or a majority of them, shall award as arbitrators between the parties, and render a copy of their award to each of the parties, in writing, from which award either party may appeal to the court of common pleas for the county in which such land or materials may have been situated, which appeal shall be proceeded in, as in cases of appeal upon road petitions; and in all cases where compensation shall, in any manner, be claimed, it shall be the duty of the arbitrators and court, or the commissioners appointed by the court, to estimate and set off any advantages which the location and construction of said road may be to the complainant; and said company shall have the right to retain, own, hold and possess said materials and the use and occupation of said land as fully and absolutely as if the same had been granted and conveyed to said company by deed.

SEC. 7. Said company may construct the said railroad across or upon any public road, highway, stream of water, or water course, if the same shall be considered necessary, and may improve any watercourse so as to connect with said railroad; but the said company shall make a new road to supply the place of the old one, and repair it, so as not to destroy the usefulness of such road, highway, or watercourse.

SEC. 8. The said company shall have power to charge tolls for the transportation of persons, goods, produce, merchandise, or property of any kind, conveyed on said road.

SEC. 9. If any person or persons shall wilfully, by any means whatever, injure, impair, or destroy, any part of said railroad, constructed by said company under this act, or any of the works, buildings, materials, or machinery of said company, such person or persons so offending shall, each of them, for every such offence, forfeit and pay to the company any sum not exceeding threefold the damages which may be recovered in the name of the company, by an action of debt, in the court of common pleas for the county wherein the offence shall have been committed, and shall, also, be subject to an indictment in said court, and upon conviction for such offence, shall be punished as is provided by the criminal laws of this state for similar offences.

SEC. 10. The company may extend said road to some point on the Ohio River, if deemed advisable, and the capital stock may be increased

to such amount as will be sufficient for that object, under the same regulations and restrictions as are contained in this act.

Sec. 11. That said company shall not contract debts or liabilities to an amount greater than the amount of the stock subscribed and held by responsible stockholders, and remaining unexpended, together with its means on hand, and that which may be reasonably expected to accrue within three years from the time of making such contract.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 25, 1845.

AN ACT

To authorize the Town Council of the town of Perrysburg, to subscribe to the capital stock of the Perrysburg Canal and Hydraulic Company, and to levy a tax to pay the annual interest, and for the final redemption of the bonds so issued.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the town council, of the town of Perrysburg, are hereby authorized to subscribe, on behalf of said town, to the capital stock of the Perrysburg Canal and Hydraulic company, any sum not exceeding six thousand dollars; and for the purpose of paying such subscription, said town council are hereby authorized to make and issue the bonds of said town, bearing interest at a rate not exceeding six per centum per annum, payable to said company, or any other person or persons or body corporate; provided that no such bond shall be issued for any sum less than one hundred dollars.

Sec. 2. That the town council, aforesaid, shall have power to control the stock subscribed under the provisions of this act, to sell the same, or any part thereof, and apply the proceeds to the payment of the bonds issued, and to no other purpose whatever; to levy a tax for the payment of the annual interest, and for the final redemption of the bonds so issued, and such other powers as may be necessary to carry into effect the provisions of this act.

Sec. 3. That the town council, aforesaid, shall give at least fifteen days notice in some newspaper printed in the town of Perrysburg, to the qualified electors of said town, subject to taxation, to vote at the annual election, to be held on the first Monday in May, one thousand eight hundred and forty five, for or against the subscription authorized by this act, and if a majority of the electors, aforesaid, voting for or against a subscription, shall be in favor of the same, then such subscription may be made, but not otherwise.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 26, 1845.

AN ACT

To incorporate the Ravenna Mutual Fire Insurance Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Darius Lyman, Jonathan Sloane, Robert E. Campbell, Henry L. Day, John N. Skinner, Asahel Tyler, Newel D. Clark, Horace Y. Beebe, Seth Day, Charles L. Rhodes, Albert Austin, Enoch Johnson, Frederick W. Seymour, and Henry L. Tilden, and all other persons who may hereafter become members of said company, in the manner herein prescribed, be and hereby are incorporated and made a body politic, by the name of the Ravenna Mutual Fire Insurance Company, for the purpose of insuring their respective dwelling houses, stores and other buildings, and household furniture, and merchandise, against loss or damages by fire, whether the same shall happen by accident, lightning, or by any other means, excepting that of design in the assured, or by the invasion of an enemy, or insurrection of the citizens of this state, or any other of the United States; and, by that name, may sue and be sued, plead and be impleaded, appear, prosecute and defend, in any court of record or other place whatever; may have and use a common seal; may purchase and hold such real and personal estate as may be necessary to effect the objects of their association, and the same may sell and convey at pleasure; may make, establish and put in execution such bylaws, ordinances, and resolutions, not being contrary to the laws of this state, or the United States, as may seem necessary or convenient for their regulation and government, and for the management of their affairs, and do and execute all such acts and things as may be necessary to carry into full effect, the purposes intended by this grant.

SEC. 2. That all and every person and persons, who shall at any time become interested in said company, by insuring therein, and also their representatives, heirs, executors, administrators and assigns, continuing to be insured therein, as hereinafter provided, shall be deemed and taken to be members thereof, for and during the terms specified in their respective policies, and no longer; and shall, at all times be concluded and bound by the provisions of this act.

SEC. 3. That there shall be a meeting of said company at Ravenna, in the county of Portage, on the third Wednesday of October, annually, or on such other day as the said company may hereafter determine, notice of which may be given by the secretary, or in his failure, by the president, or either of the directors, stating the time, place and design of said meeting, by publication, three weeks successively, in a newspaper printed within the county, the last of which publication shall be at least ten days previous to the time of holding said meeting, at which meeting shall be chosen, by a major vote of the members present, a board of directors, consisting of not more than nine, nor less than five members, who shall continue in office until others shall have been chosen, and shall have accepted the trust in their stead; all vacancies happening in said board may be filled by the remaining members, until the next annual meeting, and a majority of the whole number shall constitute a quorum for the transaction of business; special meetings of the company may be called by order of the directors, or in such other manner as the bylaws thereof may prescribe.

SEC. 4. That the board of directors shall superintend the concerns of the said company, and shall have the management of the funds and property thereof, and of all matters and things thereto relating, and not otherwise provided for by said company. They shall have power from time to time to appoint a secretary, treasurer, and such other officers, agents, and assistants, as to them may seem necessary and prescribe their duties, fix their compensation, take such security from them as they may deem necessary to secure the performance of their respective duties, and them remove at pleasure; they shall determine the rates of insurance, the sum to be insured on any building, and the sum to be deposited for the insurance thereof; they shall order and direct the making and issuing of all policies of insurance, the providing of books, stationery, and other things needful for the office of said company, and for carrying on the affairs thereof; and may draw upon the treasurer for the payment of all losses which may have happened, and for expenses incurred in transacting the concerns of said company; they shall elect one of their own company to act as president; and may hold their meetings monthly, and oftener if necessary, for transacting the business of said company; and shall keep a record of their proceedings; and any director disagreeing with a majority of the board, at any meeting, may enter his dissent, with his reasons therefor, on record; a majority of said directors may borrow money, upon the credit of the capital stock or fund of said company, to pay any actual loss of said company, whenever they may deem it expedient.

SEC. 5. That every person who shall become a member of said company, by effecting insurance therein, shall, before he receives his policy, deposit his promissory note for such a sum of money as shall be determined by the directors, a part, not exceeding five per centum of which said note, shall be immediately paid for the purpose of discharging the incidental expenses of the company, and the remainder of said deposit note shall be payable in part, or the whole, at any time when the directors shall deem the same requisite for the payment of losses or other expenses; and at the expiration of the term of insurance, the said note, or such part of the same as shall remain unpaid, after deducting all losses and expenses occurring during said term, shall be relinquished and given up to the signer thereof.

SEC. 6. That every member of said company shall be, and hereby is, bound and obligated to pay his portion of all losses and expenses happening or occurring in or to said company; and all buildings insured by and with said company, together with the rights, title and interests of the assured to the land on which they stand, shall be pledged to said company, and the said company shall have a lien thereon against the assured, during the continuance of his, her, or their policies.

SEC. 7. That in case of any loss or damage by fire, happening to any member upon property insured in and with said company, the said member shall give notice thereof, in writing, to the directors, or some one of them, or to the secretary of said company, within thirty days from the time said loss or damage may have happened, and the directors, upon a view of the same, or in such other way as they may deem proper, shall ascertain and determine the amount of said loss or damage, and if the party suffering is not satisfied with the determination of the directors, the question

may be submitted to referees, or the said party may bring an action against said company for loss or damage at the next court to be holden in and for the county of Portage, unless said court shall be holden within sixty days after said determination, but if holden within that time, then at the next court of common pleas or supreme court, holden in said county thereafter; and if upon trial of said action a greater sum shall be recovered than the amount determined upon by the directors, the party suffering shall have judgment therefor against said company, with interest thereon from the time said loss or damage happened, and cost of suit; but if no more shall be recovered than the amount aforesaid, the said plaintiff shall become nonsuit, and the said company shall recover their costs; provided, however, that the judgment last mentioned shall in no wise affect the claim of said suffering party to the amount of loss or damage, as determined by the directors aforesaid; and, provided also, that execution shall not issue on any judgment against said company until after the expiration of three months from the rendition thereof.

SEC. 8. That the directors shall, after receiving notice of any loss or damage by fire, sustained by any member, and ascertaining the same, or after the rendition of any judgment as aforesaid against said company for said loss or damage, settle or determine the same to be paid by the several members thereof, as their respective portions of said loss, and publish the same in such manner as they shall see fit, or as the bylaws shall prescribe, and the sum to be paid by each member shall always be in proportion to the original amount of his deposit note or notes, and shall be paid to the treasurer within thirty days next after the publication of said notice; and if any member shall, after the space of thirty days after the publication of said notice, neglect or refuse to pay the sum assessed upon him, her or them, as his, her or their proportion of any loss as aforesaid, in such case the directors may sue for and recover the whole amount of his, her or their deposit note or notes, with costs of suit, and the money thus collected shall remain in the treasury of said company, subject to the payment of such losses and expenses as have or may thereafter accrue, and the balance, if any remain, shall be returned to the party from whence it was collected, on demand, after the expiration of thirty days from the time said policy or policies expired.

SEC. 9. That if it shall ever so happen that the whole amount of deposit notes should be insufficient to pay the loss, occasioned by any fire or fires, in such case sufferers, insured by said company, shall receive, towards making good their respective losses, a proportionate dividend of the whole amount of said notes, according to the sums by them respectively insured; and in addition thereto, a sum to be assessed on all members of said company, not exceeding fifty cents on every hundred dollars by them respectively insured, and the said members shall never be required to pay for any loss occasioned by fire, at any time more than fifty cents on each hundred dollars, insured in said company, in addition to the amount of his deposit or note, nor more than that amount for any such loss after his said note shall have been paid in and expended; but any member, upon the payment of the whole of his deposit note, and surrendering his policy, before any subsequent loss or expense has occurred, may be discharged from said company.

SEC. 10. That said company may make insurance for any term, not exceeding ten years; and any policy of insurance, issued by said company, signed by the president and countersigned by the secretary, shall be deemed valid and binding on said company, in all cases where the assured has a title in fee simple, unincumbered to the building or buildings insured, and to the land owned by them; but if the assured have a less estate therein, or if the premises be incumbered, the policy shall be void, unless the true title of the assured, and the incumbrances of the premises, be expressed therein, and in the application therefor.

SEC. 11. That the directors shall settle and pay all losses, within three months after they shall have been notified as aforesaid, but no allowance is to be made, in estimating damages in any case, for gilding, historical, or landscape painting, stucco, or carved work.

SEC. 12. That where any house or other building, shall be alienated by sale or otherwise, the policy shall thereupon be void, and be surrendered to the directors of said company to be canceled; and upon such surrender the assured shall be entitled to receive his, her or their deposit note or notes, upon the payment of his, her or their proportion of all losses and expenses, that have accrued, prior to such surrender; provided, however, that the grantee or alienee, having the policy assigned to him, her or them, may have his, her or their rights thereto confirmed to him, her or them, for his, her or their own proper use and benefit, upon application to the directors, and with their consent within thirty days after such alienation, on giving proper security to the satisfaction of said directors, for such portion of the deposit or premium note as shall remain unpaid, and by such ratification and confirmation, the party causing the same shall be entitled to all the rights and privileges, and subject to all the liabilities to which the original party insured was entitled and subject under this act.

SEC. 13. That if any alteration should be made in any house or building, by the proprietor thereof, after insurance has been made thereon, with said company, whereby it may be exposed to greater risk or hazard, from fire, than it was at the time it was insured, then and in every such case, the insurance made upon such house or building shall be void, unless an additional premium and deposit, after such alteration be settled with and paid to the directors; but no alterations or repairs in buildings, not increasing such risk or hazard, shall, in any wise affect insurance previously made thereon.

SEC. 14. That in case any buildings, situated upon leased lands, and insured by said company, be destroyed by fire, in such case the directors may retain the amount of the premium note given for the insurance thereof, until the time for which insurance was made shall have expired; at the expiration thereof, the assured shall have a right to demand and receive such part of said retained sum, as has not been expended in losses or assurances.

SEC. 15. That if insurance on any house or building shall be and subsist in said company, and in any office, or from and by any other person or persons at the same time, the insurance made in and by said company shall be deemed and become void, unless such double insurance subsist with the consent of the directors signified by indorsement on the back of the policy, signed by the president and secretary.

SEC. 16. That the said Darius Lyman, Jonathan Sloane, John N.

Skinner, Horace Y. Beebe, Henry L. Day, Asahel Tyler, or any two of them, may call the first meeting of the members of said company, at any suitable time and place in Ravenna, aforesaid, by advertisement in any newspaper printed in said town, giving at least ten days notice of the time, place and design of said meeting, for the purpose of choosing the first board of directors, of making and establishing bylaws, and of transacting any business necessary and proper to carry into effect the provisions and intentions of this act; provided, however, that no policy shall be issued by said company until application shall be made for insurance on fifty thousand dollars at least.

SEC. 17. That after the expiration of the full term of twenty years, from and after the passing thereof, the legislature have authority to alter or repeal this act, if they consider the public good requires it.

SEC. 18. That each and every one of the directors of said company shall, before he enters upon the duties of his office, give bond to the treasurer of the county of Portage, in the sum of five thousand dollars, with good and sufficient surety or sureties, to the satisfaction of said treasurer, conditioned for the faithful discharge of the duties of his office, agreeably to the regulations, requirements and restrictions of this act; and on the complaint of any person who has been injured by the misconduct of any director, it shall be the duty of said treasurer to cause said bond to be put in suit, on receiving security to indemnify the county against costs, and to certify to the court who is prosecutor in such cause, and said court may, on motion of the defendant or defendants in said cause, order the prosecutor or prosecutors to find sureties to indemnify the defendant or defendants for their costs, should he fail to prosecute or recover thereon; and if the defendant or defendants shall plead performance of the conditions of said bond, the prosecutor may reply to as many breaches respecting his interests, as he shall see fit; and the jury, on trial of such issues as shall be put to them, shall assess damages for such breaches, as the prosecutor shall prove, and the court shall enter up judgment for the whole penalty of the bond, and issue execution in favor of the prosecutor for such sum as the jury shall have found, for damages and the costs; and the judgment shall remain for the benefit of such person or persons as may, by scire facias thereon, show that they have been injured by any breaches of the condition of said bond; and if the prosecutor shall fail to recover in such suit, the court shall award costs to the defendant or defendants, and therefor issue execution against such prosecutor or prosecutors.

SEC. 19. That if any member or members of said company shall, for more than thirty days after the publication of notice as required by the eighth section of this act, neglect or refuse to pay the sum assessed upon him, her, or them, as his, her or their proportion of the loss or damage, as is provided in said eighth section, the said company may at its election, sue for and recover the whole amount of his, her or their deposit note or notes, with costs of suit, as is provided in said section, or said company may sue for and recover the amount assessed upon him, her, or them, as his, her, or their proportion of loss or damage as aforesaid, with the interest upon such assessment after said thirty days, and costs of suit.

SEC. 20. That if said company shall elect to sue for the whole amount of the deposit note, as is provided for in said eighth section, it shall

only be necessary in declaring, to set forth the making and execution of said deposit note or notes, the making of the assessment or assessments, which the defendant or defendants may have failed to pay, together with the refusal of the defendant or defendants to pay such assessment or assessments, after thirty days notice having been given, as is required by this act, thereby showing the liability of the defendant or defendants, to pay the amount due upon such deposit note or notes, and from such liability to raise a promise to pay with a breach of such promise, and in the trial of such cause, the deposit note or notes in suit, together with a copy of the assessment or assessments thereon, and of the notice of said assessments, certified by the secretary of the company, under the seal thereof, shall be competent, prima facie evidence to sustain the action or suit.

SEC. 21. That if said company shall elect to sue only for the amount assessed as aforesaid, it shall be necessary in declaring, to set forth only that the defendant, or defendants, is a member, or are members, of said company, the deposit note or notes of such defendant or defendants, the assessment or assessments thereon, thereby showing the liability of such defendant or defendants, and from such liability raising a promise to pay; and also to set forth that notice of the assessments had been given, as herein provided, thirty days before the suit was commenced; and upon the trial of such cause, a copy of the deposit note or notes of the defendant or defendants, certified by the secretary of the company, under the seal thereof, together with a copy of the assessment or assessments upon the defendant or defendants, and of the notice certified by the same officer, and in the same manner, shall be competent prima facie evidence to sustain such suit or action; provided that the amount of such assessment or assessments, when recorded and paid, shall be indorsed on the deposit notes or notes of the defendant or defendants in the same manner as if voluntarily paid.

SEC. 22. That in all suits by or against said company, any member of said company shall be perfectly competent to act, whether he be a judge of the supreme or county courts of this state, witness, juror, sheriff, or other officer, except in suits where he or she shall be directly a party, provided that such member be not otherwise disqualified; and the records of said company, or copies thereof, duly authenticated by the signature of the president or secretary, shall be deemed and taken as competent evidence in any suit in which said company may be a party.

SEC. 23. That at the first annual meeting of the company, the election of directors shall be made in three classes of equal number each—the first class to serve one year, the second class to serve two years, and the third class to serve three years, from the date of said election; and at each subsequent annual election, one third of the directors shall be elected to fill the vacancies occasioned by the expiration of the terms of office of the several classes above named, any thing in this act to the contrary notwithstanding.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate

February 19, 1845.

AN ACT

To amend the act entitled "an act to regulate the fur trade in the counties of Sandusky, Ottawa and Lucas."

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That if any person shall, within the counties of Sandusky or Ottawa, kill or destroy any beaver, otter, martin or muskrat, at any other time than in the month of March, every person so offending shall forfeit and pay the sum of two dollars for every such offence, to be collected in an action of debt before any justice of the peace having jurisdiction thereof, one half of the aforesaid sum to be paid into the county treasury, for the use of common schools, the other half to the complainant.

SEC. 2. That if any person shall, without leave, enter upon the lands of another to trap or spear, or otherwise kill any of the above named animals, every such person so offending shall pay four times the value of the animals so destroyed or killed, to the owner of the land where such offence was committed, to be collected as is provided in the first section of this act.

SEC. 3. This act to take effect from and after the passage thereof, and all laws regulating the fur trade in the counties of Sandusky and Ottawa, heretofore passed, as is inconsistent with this act, are hereby repealed.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

February 26, 1845.

AN ACT

To authorize the sale of School Section Sixteen, in township seven, north, range four, east, in Brady township, in the county of Williams.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That School Section Number Sixteen, in township seven, north, range four, east, in Brady township, in the county of Williams, be and the same is hereby authorized to be sold, and such sale shall, in all respects be governed by the provisions of an act entitled, "an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto," passed February second, one thousand eight hundred and forty three.

SEC. 2. That no part of said section shall be sold for less than five dollars per acre nor less than the appraised value thereof.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

February 25, 1845.

AN ACT

To incorporate the Master, Wardens and Brethren, of Washington Lodge, Number Seventeen, of Hamilton, Ohio.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That William B. Van Hook, William Hunter and Charles K. Smith, and their associates, composing the Washington Lodge, number seventeen, in the county of Butler, and their regular successors, be and they are hereby created a body politic and corporate, in perpetual succession, by the name and style of The Master, Wardens and Brethren, of Washington Lodge, Number Seventeen, and by that name are hereby made, authorized and empowered, to acquire, hold, possess, use, occupy and enjoy, any estate, real and personal, not exceeding the value of ten thousand dollars, and the same to lease, sell or otherwise dispose of at pleasure, and that the said corporation, by its name aforesaid, shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places whatsoever, and may make and use a common seal, and the same may break, alter and renew at pleasure; provided that the property owned by the said corporation shall at no time exceed in value the sum of twenty thousand dollars, and provided, that no part of the funds of said institution shall ever be used for the purposes of banking.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

February 25, 1845.

AN ACT

To amend the act entitled "An act to incorporate the Summit county Medical Society, passed March 12, 1844.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the time limited in the act to which this is an amendment, for the first meeting and organization of the medical society therein named, be and the same is hereby extended to the second day of April, one thousand eight hundred and forty five.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

February 25, 1845.

AN ACT

To abolish the office of Trustees and Treasurer of the sixth original surveyed Township, in the ninth range, Morgan county.

Whereas, it appears to this general assembly that the boundaries of the sixth original surveyed township, in the ninth range, in the county of Morgan, are identical with the boundaries of the civil township of Olive, and it is desirable to abolish all unnecessary offices; therefore—

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the offices of trustees and treasurer, of the sixth original surveyed township, of the ninth range, in Morgan county, be and the same are hereby abolished; and that all and singular the duties by law incumbent on the said trustees and treasurer of said original surveyed township, aforesaid, shall hereafter be performed by the trustees and treasurer of said civil township of Olive, any former law to the contrary notwithstanding.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.

DAVID CHAMBERS,
Speaker of the Senate.

February 26, 1845.

AN ACT

To incorporate Piqua Lodge, Number Eight, of the Independent Order of Odd Fellows, of the State of Ohio.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Samuel Gordon, Joseph Kelley, Joseph Hews, Rankin Walkup, James Cock, James W. Horton, Peter W. Moorehead, John Morrow, and their associates, members of Piqua Lodge, Number Eight, of the Independent Order of Odd Fellows, at Piqua, Ohio, and their regular successors, be and they are hereby created a body politic and corporate for the term of thirty years in succession, by the name and style of Piqua Lodge, Number Eight, of the Independent Order of Odd Fellows, of the State of Ohio, and by that name are hereby invested with plenary power and authority, in their corporate capacity to acquire, hold, possess, use and occupy and enjoy real and personal and mixed property or estate, to the amount of twenty thousand dollars, and to sell and convey, or otherwise dispose of the same, under the bylaws, rules and regulations of the aforesaid Lodge; provided such bylaws, rules and regulations be not contrary to the constitution and laws of the state of Ohio, or of the United States; and the said corporation, by its name aforesaid, shall be competent to contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts and places whatsoever, and to have and use a common seal, and the same to alter at their pleasure; provided further, that the powers hereby granted shall not be used for banking, insuring property, or to do any thing not expressly granted by the provis-

ions of this act; and it is further provided that the members shall be held individually liable for the debts of said society only in the event of the society in its corporate capacity being prosecuted to insolvency for any debt or debts that may at any time hereafter exist against it.

Sec. 2. That the right of any future legislature to alter, amend, or repeal this act, is hereby reserved; provided that rights acquired under this act shall not be affected by such alteration, amendment or repeal.

Sec. 3. That this act of incorporation shall become inoperative and void, if the stockholders shall at any time neglect, for the space of five years, to use the same for the purposes herein contemplated.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

February 25, 1845.

AN ACT

To authorize the sale of School Section Sixteen, in Green township, Hamilton county, Ohio.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That School Section Sixteen, in Green township, Hamilton county, be and the same is hereby authorized to be sold, provided no part thereof shall sell for a less price than thirty dollars per acre, nor less than the appraised value; and such sale shall, in all respects, be governed by the provisions of an act entitled "an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto," passed February second, one thousand eight hundred and forty three.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

February 28, 1845.

AN ACT

For the relief of Lewis Watson.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Lewis Watson, of Boston, in the county of Summit, be and he is hereby restored to all the rights and privileges of a citizen of this state.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

February 28, 1845.

AN ACT

To incorporate the First German Protestant Cemetery Association, of Cincinnati.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Casper Gist, John P. Kentner, Frederick Klaushide, Henry Wackendorf and Frederick H. Lilie, and their associates and successors, are hereby created a body corporate and politic, by the name of the First German Protestant Cemetery Association, of Cincinnati, and, as such, shall be capable in law of suing and being sued, pleading and being impleaded, in any action or suit, in any court having competent jurisdiction, to contract and be contracted with, to form and ordain such bylaws for their government as shall not be inconsistent with the constitution and laws of the United States or of this state; to purchase and possess such real and personal estate as shall not exceed in value the sum of ten thousand dollars; provided that said company shall be subject to all the regulations and restrictions and liabilities of an act instituting proceedings against corporations not possessing banking powers and the visitatorial powers of courts, and to provide for the regulation of corporations generally, passed March seventh, one thousand eight hundred and forty two.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

February 27, 1845.

AN ACT

For the relief of James Blair.

Whereas, James Blair, of the county of Shelby, was the owner and holder of certain certificates of state stock hereinafter described; and, whereas, said certificates of state stock were, on the twelfth day of June, A. D., one thousand eight hundred and forty two, stolen from the said James Blair; and, whereas, it appears that neither of said stolen certificates, nor any part thereof, has been paid or redeemed at the state treasury, therefore—

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of the canal fund, be and they are hereby authorized to reissue to James Blair, certificates of canal stock, corresponding in all respects with those issued by said commissioners, under an act entitled "an act to provide for paying the temporary liabilities of the state, the interest on the state debt, and for other purposes," passed March seventh, one thousand eight hundred and forty two, which said certificates were numbered as follows: of those receivable for canal lands, numbered one hundred and sixteen, calling for two hundred dollars, with interest from the first of April, one thousand eight hundred and forty two, and dated April fourteen, one thousand eight hundred and forty two, and also two other certificates not receivable for canal lands, numbered one hundred and sixty three, and one hundred and seventy, calling for five hundred dollars each,

dated April fourteen, one thousand eight hundred and forty two, bearing interest from April one, one thousand eight hundred and forty two.

SEC. 2. That the treasurer of state be and he is hereby authorized and required to deliver said certificates of canal stock to the said James Blair, his agent or attorney, as soon as the said James Blair shall execute to the state of Ohio a bond of indemnity, with two good and sufficient securities, in the sum of two thousand dollars, conditioned that the said James Blair shall pay to the State of Ohio any amount of damage said state may sustain in consequence of the reissue of said certificates of canal stock, which said bond of indemnity shall be approved by the treasurer, and auditor of state, and filed with the treasurer of state.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

February 20, 1845

AN ACT

To amend an act passed February 26, 1840, entitled "An act to amend 'an act, entitled an act to incorporate the town of Cuyahoga Falls,' passed March 5, 1836."

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the act passed February twenty sixth, one thousand eight hundred and forty, amending the act to incorporate the town of Cuyahoga Falls, be so amended that property without the exterior limits or boundaries of the recorded plat of said town shall be exempt from taxation for town purposes in said town.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

February 27, 1845.

AN ACT

To amend the act to incorporate the First Presbyterian Society of Birmingham, Erie county, Ohio.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the title of the said society incorporated by the act to which this is an amendment, be and the same is hereby changed to the First Congregational Society of Birmingham, and by that name the said society shall hold all its real and personal property, and enjoy all the immunities, rights and privileges of the aforesaid act of incorporation.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.

DAVID CHAMBERS.

Speaker of the Senate.

February 27, 1845.

19—L. L.

AN ACT

To amend an act entitled "An act to authorize a revaluation of School Section Sixteen, in Riley township, Sandusky county, and to authorize the lessees to surrender their leases and receive deeds of purchase," passed March 26, 1941.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That persons holding a lease of any lot or tract of land in section sixteen, township five, range sixteen, for ninety nine years, renewable forever, and which shall have been, or hereafter be, valued at five dollars per acre, or more, shall be allowed until the first Monday of December ensuing the vote of said township, for the sale of said section sixteen, to surrender such lease to the auditor of said Sandusky county, and take a certificate of purchase at the said appraised value, on a credit of ten years, six per centum, and the interest to be paid annually into the treasury of said county, for the use of schools in said township.

SEC. 2. That the appraisers shall, in appraising said section sixteen, give each tract of prairie land, the tract of wood land, as is designated in the plat of said section, as surveyed by order of the court of common pleas of said county of Sandusky.

SEC. 3. That it shall be lawful, where the original lessee shall have sold a part of his or her lease of not less than forty acres, for either party to surrender the part by them owned, without the consent of the other party.

SEC. 4. That all the provisions of the act passed March twenty sixth, one thousand eight hundred and forty one, not contrary to the provisions of this act, are hereby renewed and in full force.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 1, 1945.

AN ACT

To authorize certain Railroad Companies herein named, to borrow money.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the directors of the Madriver and Lake Erie Railroad Company are hereby authorized to borrow, upon the credit of said company, any sum or sums of money not exceeding three hundred thousand dollars, at a rate of interest not exceeding seven per cent. per annum.

SEC. 2. That the Little Miami Railroad Company are authorized to borrow, upon the credit of said company, any sum or sums of money not exceeding two hundred thousand dollars, at a rate of interest not exceeding seven per cent. per annum.

SEC. 3. That for the purpose of perfecting said loan, the directors of each of the companies aforesaid, shall have power, in the name of their

respective companies, to make and execute such bonds, promissory notes, or other evidences of debt, and payable at such times and places as shall be agreed upon by the respective parties so contracting, which said bonds, notes, and other evidences of debt, may be made transferable and redeemable in such form, and at such times and places as may be therein designated.

SEC. 4. That for the security of the payment of such money, so borrowed, said directors may severally pledge, by mortgage or otherwise, their several entire roads, fixtures, and equipments, with all the income and resources thereof; provided, however, that the lien of the city of Cincinnati on the Little Miami Railroad, for one hundred thousand dollars, and the growing interest thereon, shall in no wise be impaired; and, provided also, that nothing in this act contained shall be construed as pledging or authorizing to be pledged, the state, either directly or indirectly, for the payment of any part of the principal or interest of any loan which may be obtained under the authority of this act further than may result from the lien that may attach to the stock now owned by the state in said company.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 1, 1845.

AN ACT

To authorize the county commissioners of Meigs county to borrow money.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Meigs county, and their successors in office, be and they are hereby authorized to borrow, on the credit of said county, a sum of money not exceeding eight thousand dollars, at a rate of interest not exceeding seven per centum, which money, when borrowed under the provisions of this act, shall be applied by said commissioners, to the erection of public buildings in said county, and to no other purpose whatever; and said commissioners are hereby authorized to levy such per centum, annually, on the taxable property of said county, as will annually pay the accruing interest, and such portion of the principal as may be agreed upon between the said commissioners and the lender or lenders of such money.

SEC. 2. This act shall take effect and be in force from and after its passage.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 1, 1845.

AN ACT

To incorporate the Dayton Hydraulic Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That* Horatio G. Phillips, Daniel Beckel Jonathan D. Phillips, Samuel D. Edgar, and John G. Lowe, with such other persons as shall be associated with them for the purposes hereinafter specified, and their successors, be and they are hereby constituted a body corporate and politic, with perpetual succession, by the name and style of the Dayton Hydraulic Company, and, as such, shall be capable of suing and being sued, answering and being answered unto, in all courts of justice and elsewhere, and also may have and use a common seal, and the same break, alter or renew at pleasure.

SEC. 2. That the capital stock of said company shall consist of not more than three hundred and fifty thousand dollars, and shall be divided into shares of one hundred dollars each, which shall be subscribed and paid for under such regulations as the aforesaid corporators may prescribe, who are hereby vested with all the powers and privileges necessary to carry into effect the objects of said association, and manage its affairs until directors shall be elected.

SEC. 3. That as soon as seventy thousand dollars of the capital stock shall have been subscribed and paid in, the stockholders, holding a majority of the stock of said company, shall have power to elect a board of not less than three, nor more than five directors, one of whom shall be elected by said directors, president of said company, and that the elections of directors shall be held annually in the city of Dayton, on the first Monday of January thereafter, and at all elections, every share of stock shall entitle the holder thereof to one vote; provided that the directors shall have power to fill vacancies in their board, and that should there be a failure to elect directors, the board holding office shall be fully empowered to act until their successors are elected.

SEC. 4. That the president and directors of said company shall have power to manage and superintend its affairs, and to make all bylaws necessary for regulating the concerns of said company, and the transfer of stock; provided such bylaws shall not be inconsistent with the constitution and laws of the United States or of this state.

SEC. 5. That said company shall have power to construct and keep up a dam across Mad River, at any point not more than eighty rods east of the east lines of sections twenty nine and thirty, township two, range seven, between the Miami Rivers, and to convey the water of said river over or through any suitable ground, by means of a canal, feeder, race, basin or waterway of sufficient capacity, to any point or points which may be selected by said company, within or near the corporate limits of the city of Dayton, and to erect and keep in repair such buildings, headgates, wasteweirs, aqueducts, culverts and all other appendages necessary to develop and protect the waterpower thus created; and also, to erect, put into operation, use and keep in repair such manufacturing establishments, mills or machinery, with all necessary fixtures and appurtenances or other hydraulic works as shall be deemed necessary to the complete enjoyment of the contemplated improvement; provided the assent thereto of all per-

sons owning any water privileges on Mad River, below the aforesaid dam, or any lands over or through which the waterway shall be constructed, shall first be obtained, and, further provided, that the water so conveyed shall be returned to Mad River at or above the state dam, or introduced into or passed under the Miami canal, in such manner as may be required or prescribed by the acting commissioners of the board of public works.

SEC. 6. That said company shall have power to purchase, hold and own in its corporate name, any real or personal estate, lands, mills and water privileges for the purposes of obtaining and securing the right to divert the water from Mad River, constructing and keeping in repair the dam, canal, race or waterway, and works connected therewith, and such lands as may be necessary for the erection of suitable works and buildings for the accommodation and convenience of all manufacturing establishments and their appendages which may be put into operation by the waterpower created or brought into use by this act, and also such personal estate as may be in good faith conveyed to them in payment of debts, or purchased at sales upon judgments obtained upon debts due said company.

SEC. 7. That said company shall have power to dispose of any real or personal estate, lands, water privileges or powers which they may obtain, create or bring into use under the provisions of this act, either by sale of any part or the whole of their interest in said lands or water power, or by lease of the same, precisely as individuals could or might dispose of their private property.

SEC. 8. That the stockholders shall have power to remove the board of directors or any one of them at any time, and electing others in their stead, at a meeting called by any two of the stockholders of said company, provided that a majority of the whole stock is represented, and in favor of said removal.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 1, 1845.

AN ACT

To amend an act entitled "An act to incorporate the Montgomery Lodge, number five, of the Independent Order of Odd Fellows, of Dayton, Ohio," passed February second, one thousand eight hundred and forty.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the second, third and fourth sections of the above recited act, be and the same are hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 1, 1845.

AN ACT

To confirm the title of John Webster and his assigns, to the east half of the southeast quarter of section number twenty seven, in township number ten, of range number five, east, in the county of Shelby.

Whereas, on the thirteenth day of April, one thousand eight hundred and thirty two, Duncan McArthur, as governor of the state of Ohio, executed and delivered to John Webster a certain deed, of that date, which is recorded in the records of deeds for Shelby county, book D, page 174, whereby it was intended to convey to said John Webster, in fee simple, the east half of the southeast quarter of section number twenty seven, in township number ten, of range number five, east, in the county of Shelby, and state of Ohio; and, whereas, a mistake occurred in the wording of said deed, whereby the operative words necessary to convey such estate, were omitted; therefore—

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That a full and perfect estate and title in fee simple, in and to the real estate described in the foregoing preamble, be and the same is hereby vested in the said John Webster or his assigns, if he have sold the same.*

JOHN M. GALLAGHER,
Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 1, 1845.

AN ACT

To lay out and establish a Free Turnpike Road from Napoleon, in the county of Henry, to Bryan, in the county of Williams.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That Giles H. Tomlinson and John Stubbs, of the county of Williams, and Benton Palmer and James Magill, of the county of Henry, be and they are hereby appointed commissioners to lay out and establish a free turnpike road, commencing at Napoleon in said county of Henry; thence westerly to Ridgeville Corners; thence the most practicable route to Bryan, in the county of Williams; which road shall be constructed, repaired and preserved in the manner pointed out in this act.*

SEC. 2. That said commissioners shall have power to appoint superintendents or such other agents as they may deem necessary to carry into effect the provisions of this act; a majority of said commissioners shall have power to transact any business, and exercise any powers, devolving on them or intrusted to them by this act; and they shall keep a record of their proceedings, which shall at all times be open to inspection by any person desiring to inspect the same.

SEC. 3. That said commissioners shall meet on the first Monday of April, one thousand eight hundred and forty five, or within sixty days thereafter, and organize, by choosing one of their number president of the board, and they shall then take measures to view, locate, and establish said

road, and of all such locations they shall file a copy with the auditor of each county through which said road may pass.

SEC. 4. The commissioners shall have power to receive subscriptions or donations in money, or property, real or personal, which shall be applied to the construction of said road; they may make contracts for constructing the same, in a solid and durable manner, and for keeping the same in repair: they may open and finish said road, in the first instance, along such portions of the line thereof as will soonest render the whole line thereof available for travel or transportation; and they shall have power to purchase and procure all the necessary implements and fixtures to preserve said road in repair.

SEC. 5. The taxes levied for road purposes on all property within one mile of said road, on each side thereof, shall be applied to the construction and repair thereof; and all persons owing such taxes, who may wish to discharge the same by labor, shall apply such labor under the direction of said commissioners, or their agents appointed for that purpose.

SEC. 6. So much of the taxes appropriated by this act as shall be paid into the county treasury shall be computed by the county auditors as accurately as may be, and paid unto the said commissioners or their agent, and all taxes so computed by the county auditors shall be expended on said road in the county where collected.

SEC. 7. It shall be the duty of the county auditors of the respective counties through which said road may pass, in computing the portion of the road taxes that may have accrued within the aforesaid limits, on each side of said road, to embrace the whole of any tract of land not exceeding one hundred and sixty acres, of which any part shall be within said limits; and for all duties performed by said county auditors, under this act, they shall be allowed the same fees as allowed by law for similar services in other cases.

SEC. 8. The commissioners shall have power to receive donations in land to aid in the construction of said road, and to convey the same in fee simple; they may take releases of the right of way, and they shall expend the money in their hands only on such parts of said road as shall have been permanently located and established.

SEC. 9. The said commissioners and their successors shall be a corporation by the name and style of the Bryan and Napoleon Free Turnpike Road, for the purpose of carrying into effect the provisions of this act; and it shall be their duty to prosecute for all obstructions of said road, or for injuries done to the same, or the bridges thereon, and the form of such prosecutions shall be in the action of debt, and the amount recoverable in each case shall be the amount of damages actually found by the court or jury, with ten per centum thereon; and in all such cases, the commissioners shall have a right to sue, either before a justice of the peace, or in the court of common pleas of the proper county, which suits shall be appealable as in other cases, and the amounts collected in each case shall be for the benefit of said road, and shall be paid to said commissioners or their agents.

SEC. 10. The said commissioners shall, annually, on the first Monday in March, of each and every year, make a full settlement of their receipts and expenditures, under this act, and publish an account thereof in some

newspaper having general circulation along the line of said road, and shall also deposit a copy thereof in the auditors' office, in each county through which said road may pass.

SEC. 11. The supervisor of any road district through which said road may pass, shall be and hereby is authorized to appropriate any portion of the two days labor within his district, which he may deem expedient to the construction, preservation, and repair of said road; and the same shall be applied under the direction of said commissioners or their agents.

SEC. 12. The commissioners of said road shall be allowed their actual personal expenses when engaged in the business of said road, and no more; and when any vacancy shall happen in said board, by death, resignation, or otherwise, the commissioners of the county in which such vacancy shall happen, shall fill the same as often as it may occur; and the said commissioners and their successors shall each hold their office for the term of two years from the time of their appointment; and shall each give bail in such amount as shall be fixed by the county auditors of their respective counties, with security to be approved by such county auditor, for the faithful discharge of the duties of their office, and the paying over and expending all the moneys that may come into their hands by virtue of their office.

SEC. 13. The expenses of surveying and locating, and other expenses incidental to the construction, preservation superintendence and repair of said road, shall be paid out of the funds appropriated by this act to the construction, preservation and repair of the same.

SEC. 14. All claims for damages arising out of the location of said road, shall be settled in the manner prescribed by the act for opening and regulating roads and highways, and all damages assessed for injury to property, shall be paid out of the county treasury, if, in the opinion of the county commissioners, the benefit resulting from the establishment of said road will not be equal to the amount of damages assessed.

SEC. 15. That all parts of acts conflicting with this act, are hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 1, 1845.

AN ACT

To incorporate the Dayton Water Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That Jonathan Harshman, William Eaker, Samuel Forrer, John W. Vancleve, Henry L. Brown, Edward W. Davies, Edwin Smith, David Z. Pierce, David Winters, Horace Pease, Peter P. Lowe, Peter Vorhees, Alexander Swaynie, Thomas Morrison, and D. W. Wheelock, and their associates, be and they are hereby created a body politic and corporate, by the name and style of the Dayton Water Company, with perpetual succession, and*

as such, shall be capable of contracting and being contracted with, suing and being sued, answering and being answered unto, in all courts of justice and elsewhere; and also may have and use a common seal, and the same break, alter, or renew, at pleasure.

SEC. 2. That the capital stock of said company shall consist of not more than fifty thousand dollars, and shall be divided into shares of fifty dollars each, which shall be subscribed and paid for under such regulations as the aforesaid corporators, or a majority of them, may perscribe, who are hereby vested with all the powers and privileges necessary to carry into effect the objects of said association, and manage its affairs, until directors shall be elected.

SEC. 3. That so soon as five thousand dollars shall have been subscribed to the capital stock of said company, the stockholders holding a majority of the stock, shall have power to elect a board of not less than five, nor more than nine, directors, one of whom they shall select as president of said company; and that the election of directors shall be held annually, in the city of Dayton, on the first Tuesday of January in each year thereafter; and at all elections, every share of stock shall entitle the holder thereof to one vote; provided that the directors shall have power to fill vacancies in their board; and should there be a failure to elect directors, the board holding office, shall be fully empowered to act until their successors are elected.

SEC. 4. That the president and directors of said company shall have power to receive such additional subscriptions to their stock, as they may deem necessary, until the whole amount is subscribed; appoint agents, manage and superintend its affairs, and make all bylaws necessary for regulating the concerns of said company, and the transfer of stock; provided such bylaws shall not be inconsistent with the constitution and laws of the United States and of this state.

SEC. 5. That for the purpose of supplying the city with good and wholesome water from Mad River, the said company are hereby authorized to purchase or lease a sufficient quantity of water for said purposes, from companies or individuals owning the same; and to purchase, hold, own, or take on lease, such real and personal estate, lands, and tenements, and to construct such buildings and appendages as may be necessary for the convenience or accommodation of their business.

SEC. 6. That said company, with the consent of the common council of said city, shall have power and are hereby authorized to enter, open, dig, and excavate, the streets, alleys, and public squares of said city, in suitable places for erecting and maintaining such suitable cisterns, reservoirs, aqueducts, pipes, watercourses, and other appendages, that may be necessary for effecting the objects of this incorporation; provided that the same be done with as little detriment to the public convenience, as the nature of said works will admit, and left in good repair and condition.

SEC. 7. That said company shall have power to lease, sell, contract, furnish, and receive pay for, all the water to be as aforesaid brought into said city, at such price as may be agreed upon by the parties to such contract.

SEC. 8. That for the purpose of more effectually securing the city of Dayton from the destructive ravages of fire, and to provide an adequate supply of water for the extinguishment thereof, the common council of

said city are hereby authorized to subscribe any amount of stock to said company, not exceeding the amount of capital stock of said company, that they may deem expedient; and the said city council shall have power to contract any loan or loans of money which they may deem necessary, to pay their subscription to said stock; and also to contract with and pay said company such an annual rent, for the use of said water, as may be agreed upon.

SEC. 9. That the holders of stock shall not be allowed to receive any dividends, or transfer their stock whilst indebted to said company.

SEC. 10. That said corporation shall not contract debts beyond the amount of capital stock bona fide subscribed; and any violation of the provisions of this act shall operate as a forfeiture of all privileges and franchises herein granted.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 1, 1845.

AN ACT

To amend the act entitled "An act to amend the act entitled an act to incorporate the town of Pekin, in the county of Carroll."

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That so much of the township of Brown, in the county of Carroll, as is embraced within the recorded limits of the original plat of the town of Pekin, with all the additions that have been, and that may, hereafter, be recorded thereto, together with all the fractions or parcels of ground, on the north-west quarter of section eleven, township sixteen, range six, lying west of a line running north and south, on the east side of Swartzel's lot, and all the fractions, on the northeast quarter of section ten, of the said township and range, lying east of a line running north and south, on the west side of Beers' addition to the town of Pekin, be and the same is hereby comprised within the corporate limits of the said town of Pekin.

SEC. 2. That so much of the act entitled "an act to incorporate the town of Pekin," passed March twenty first, one thousand eight hundred and thirty seven, and of the act entitled "an act to amend an act entitled an act to incorporate the town of Pekin," passed March twenty sixth, one thousand eight hundred and forty one, as are inconsistent with the provisions of this act, be and the same are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after the first day of April next.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 1, 1845.

AN ACT

To amend the act incorporating the Fairfield, Yellow Springs, and Clifton Turnpike Road Company.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio, That the Fairfield, Yellow Springs and Clifton Turnpike Road Company, be and is hereby authorized to organize said company, and commence the construction of said road, whenever capital stock, to the amount of five thousand dollars, shall be subscribed to the same; provided that said incorporation shall not have power to contract debts to an amount greater at any time than their means actually on hand, together with their means which may reasonably be expected to accrue within one year thereafter, unless at the time of making such contract, the party, contracting with said company, be informed of such want of means on the part of such company, and by agreement in writing, specifying the time or manner in which such debt shall be paid, and that said company shall be governed in all respects by the laws of this state now in force, and such as may hereafter be enacted for the regulation of turnpike road companies generally.*

Sec. 2. *That so much of the act incorporating said company, passed March twelfth, one thousand eight hundred and thirty nine, as requires a subscription of capital stock to the amount of ten thousand dollars, before commencing said road, be and the same is hereby repealed.*

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 1, 1845.

AN ACT

To authorize the sale of Ministerial Section, number twenty nine, in Scipio township, in the county of Meigs.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio, That the lessees on section number twenty nine, granted by congress, for religious purposes, in Scipio township, Meigs county, Ohio, be and they are hereby authorized, on the full payment of all back rents, to surrender their leases to the auditor of said county, and take certificates of purchase for said lands, at the last valuation or revaluation, made and assessed under the provisions of an act entitled "an act to incorporate the original surveyed townships," passed March fourteenth, one thousand eight hundred and thirty one, being the same valuation under which said leases were granted; provided said leaseholders, their assignees or legal representatives shall pay, in twelve equal annual installments, with six per centum thereon, commencing on the day of the date of the surrender of such lease or leases, the respective amount valued and assessed as aforesaid, together*

with all expenses incident to the execution of deeds, under the provisions of this act.

SEC. 2. And the said lessees, county auditor, county treasurer, and all other officers or persons interested, in all other respects, shall be governed by the provisions of the act to "regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto," passed February second, one thousand eight hundred and forty three.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 1, 1845.

AN ACT

To incorporate the Mt. Vernon Hook and Ladder Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Benjamin F. Smith, Jerome C. Davis, Dennis Smith, John Boyd, and their associates and successors, are hereby created a body politic and corporate, under the name and style of the Mount Vernon Hook and Ladder Company, with succession for fifty years, and, as such, shall be competent to sue and be sued, in all courts in this state, to contract, and be contracted with, and they shall have power to acquire and hold property, real, personal, or mixed, to the value of not more than three thousand dollars, and the same to convey at pleasure.

SEC. 2. That said company may have a common seal, and the same to alter or amend at pleasure; and shall have power to make and enforce such bylaws, not inconsistent with the constitution of the United States, or of this state, as they may deem proper and necessary for the organization and good government of its members, and management of their corporate affairs.

SEC. 3. That the active members of said company, while belonging to the same, shall be exempt from military duty in time of peace, provided they are organized, and supplied with suitable apparatus for the use of said hook and ladder company.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 1, 1845.

AN ACT

To incorporate the Wooster, Medina and Cuyahoga Plank Road Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Philo Scoville, Thomas Richmond, and C. Bradburn, of Cleveland, Cuyahoga county, Wells Allen, Reuben Willie, Josiah Piper, Norman Curtis, Thomas Briggs, Richard Warner, John Pardee, George K. Pardee, and Philo Welton, of Medina county, Jacob Maise, Reasin B. Stibbs, George Wellhouse, and Jacob Hoffman, of Wayne county, and all other persons who shall become associated with them by subscribing to the capital stock of said company, be and they are hereby constituted and declared to be a body corporate and politic, with perpetual succession, by the name and style of the Wooster, Medina and Cleveland Plank Road Company, for the purpose of constructing a plank road from the town of Wooster, in Wayne county, by way of Slankertown, in Wayne county, Wadsworth and Sharon, in Medina county, to Cleveland or Ohio City, in Cuyahoga county, taking the most eligible route by said points, and for such purposes, the said company is hereby authorized and empowered to have and receive, purchase, possess, enjoy and retain lands, rents, goods, chattels and effects of any kind, to any amount necessary to carry into effect the objects of the corporation, and the same to use, sell, alien and dispose of at pleasure, to sue and be sued, defend and be defended, in all courts having competent jurisdiction, to have and use a common seal, the same to alter, break, and renew at pleasure, to ordain and establish such rules, regulations and bylaws, not incompatible with the constitution of the United States or the constitution or laws of this state as may be necessary for the well being of said corporation; subject, however, to the restrictions and limitations contained in this act.

SEC. 2. That the capital stock of said company shall consist of one hundred thousand dollars, to be divided into shares of twenty five dollars each, and shall be transferable in entire shares, in such manner as the rules of the corporation shall prescribe; provided that no stockholder, without the consent of the directors, shall be at liberty to transfer his, or their stock, after any installment is ordered, until such stockholders shall have paid the amount due on his, or their stock.

SEC. 3. That the persons named in the first section of this act, or in case they should not all choose to serve, then any number of them, not less than three, shall be commissioners to receive subscriptions, to do and perform all necessary acts to organize the company, and they are hereby authorized and empowered to cause books to be opened at such times and in such places as a majority of those acting shall think proper to receive subscriptions to the capital stock of said company; the commissioners may, if they think proper, require ten per centum of the amount of each subscription to be paid at the time it is subscribed, and each subscriber shall be bound to pay from time to time such installments on his, or their stock, as the directors may lawfully require.

SEC. 4. That when three hundred shares shall be subscribed, the commissioners shall call a meeting of the stockholders, causing notice of the time and place of such meeting to be published in some newspaper in general circulation in the places where the books shall have been opened, and

the stock subscribed, for thirty days next preceding such time of meeting, and on such notice being given, the stockholders shall meet at the time and place appointed and select directors, and adopt such bylaws and regulations for the government of the corporation as shall be lawful and expedient; the stockholders to vote in person or by proxy, each share to be entitled to one vote.

SEC. 5. That the affairs of said company shall be managed by seven directors, or a majority of them, who shall be elected by the stockholders once in two years, unless a shorter period shall be ordained by the bylaws of the corporation, and they shall hold their offices until their successors shall be chosen and qualified, and each director shall be a stockholder at the time of his election, and shall cease to be a director when he ceases to be a stockholder; the directors shall have power to fill all vacancies in their own board which shall happen from death or otherwise.

SEC. 6. That the directors, before entering upon the discharge of their duties, shall take an oath or affirmation faithfully and impartially to discharge their duties, shall choose a president from among their number, shall appoint such other officers and agents as shall be provided for by the bylaws, determine upon any amount of any bonds that they may see fit to exact from any officers of the company and pass upon their sufficiency, determine the amount of installments to be called for upon subscriptions, declare dividends and take the general charge and supervision of the affairs of said company.

SEC. 7. That it shall be lawful for said directors to enter upon and take possession of any lands, roads, streets, alleys, stones, timber and earth, necessary for the laying out and construction of said plank road, and all necessary appurtenances and appendages, doing no unnecessary damage, and in all cases where the owner or owners, their agent or attorney, shall claim or demand damages for lands or materials so appropriated for the location, construction or repair of said road, then and in that case the said company shall, in all respects, be governed by the provisions of the act entitled "an act to amend the act entitled an act for the regulation of turnpike companies," passed March eleventh, one thousand eight hundred and forty three; provided, further, that said company shall not take possession of more than sixty six feet in width for said road.

SEC. 8. That whenever said company shall have constructed the said plank road, by covering the same with plank, not less than two inches and a half in thickness, and of sufficient width for the accommodation of teams, and shall have completed the same in a good and substantial manner, the same shall forever thereafter be and remain a public highway free for the passage of animals, teams and travelers of every description, on payment of such tolls as the board of directors may establish, from time to time, under the provisions of this act.

SEC. 9. That in consideration of the expenses which said company will necessarily incur in constructing said road, with the appurtenances thereof, and keeping the same in repair, the said road and its appurtenances, together with all tolls and profits arising therefrom, are hereby vested in said corporation.

SEC. 10. That on every five miles of said road, when so much shall be completed, according to the true intent and meaning of this act, the pres-

ident and directors shall have power to erect tollgates, and ordain and establish a rate of tolls, which shall be paid upon all animals, teams, travelers and property of every description, passing on said road; and for the collection of said tolls, they shall appoint collectors and erect gates, and may ask, demand and receive the said tolls under this act; provided, however, that they shall in no case exceed the rates now charged on the Western Reserve and Maumee Road, to be graduated by the board of directors.

SEC. 11. That whenever the whole, or five miles of said road shall be completed, the president and directors of said company may apply to the court of common pleas, of any county through which said road may pass, whenever the same is in session, or to any judge thereof, in vacation, not interested in said road, whose duty it shall be to appoint three disinterested freeholders, commissioners, to examine said road, and if said commissioners shall be of opinion that said road is constructed according to the true intent and meaning of this act, they shall give to said president and directors a certificate thereof, which shall entitle said company to demand tolls under this act.

SEC. 12. The company shall be entitled to the benefit of all laws for the protection of turnpike roads, and the collection of tolls, which have been or may be passed by the legislature of this state, and shall be liable to all restrictions therein contained, not inconsistent with this act.

SEC. 13. That in case said road shall not be commenced within two years, and at least five continuous miles finished within five years from the passage of this act, all privileges granted by this act shall be null and void.

SEC. 14. That said company shall not contract debts or liabilities to an amount greater than the amount of its means on hand, and the amount payable at a time or times certain, within three years from the time of contracting on stock subscribed and held by responsible stockholders.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 25 1845.

AN ACT

To amend an act entitled "An act to incorporate the Cincinnati and Whitewater Canal Company."

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the stockholders of the Cincinnati and Whitewater Canal Company shall, in all cases, be entitled to one vote for each share by them held and owned; any thing in the act to incorporate the Cincinnati and Whitewater Canal Company, passed April first, one thousand eight hundred and thirty seven, to the contrary notwithstanding.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 27, 1845.

AN ACT

To incorporate the Town of Mount Vernon, in Knox county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That so much of the town of Mount Vernon, in the county of Knox, as is comprised in the limits hereinafter described, that is to say, all the inlots, streets and alleys, and other public ground bordered by the same, within the old original town plat and its several recorded and confirmed additions, together with all fractions of lots or parcels of ground lying between the old town plat and either of said additions, especially to include such fractions or portions of ground not already laid out into town lots, as lie between the south line of Hamtramck street, and the north line of Burgess street, extended between the Hamtramck addition and Norton's addition; and so much of like ground as lies south of the north line of Chesnut street, extended eastward to the Coshocton road, and to include one tier of inlots of usual size on the north side of Chesnut street, so extended as aforesaid; also embracing the following grounds—commencing at Lambton Square, at the junction of the Mansfield and Wooster roads; thence along the Mansfield road to the intersection of the north line of the cross street or road, to the new graveyard; thence along the north line of said cross street to the graveyard lot; thence north, and so running round said graveyard lot and including the school house lot to the southeast corner thereof; thence following the aforesaid graveyard street, to the east line of the Wooster road; thence southward along the east line of the said Wooster road and the east line of Gay street, as extended to North street; thence west to Main or Market street; thence north to the place of beginning, except such lots and streets in any of said plats or additions as have been vacated; provided that this exception shall not exclude the vacated lots and streets east of Division street, and north of Front street in the eastern addition, but the same are hereby included in the limits according to the eastern boundary of said addition, as originally laid out and recorded, be and the same is hereby created into a town corporate, to be known by the name of the town of Mount Vernon; provided that all ground hereafter laid out and recorded as town lots, or additions to said town, by name or otherwise, if contiguous thereto, shall, from the time of being so recorded, be included within the corporate limits of said town and constitute a part thereof.

SEC. 2. That the said town be and the same is hereby divided into five wards, in the manner following, viz: so much of said town as lies east of the center of Main street, and south of the center of Vine street, extended to the eastern boundary of said corporation, shall constitute the first ward. So much of said town as lies west of the center of Main street, and south of the center of Vine street, shall constitute the second ward. So much of said town as lies east of the center of Main street, and north of the center of Vine street, extended eastward, as aforesaid, and south of the center of Sugar street, extended eastward to the eastern boundary of said corporation, shall be the third ward. So much of said town as lies west of the center of Main street, north of the center of Vine street, and south of the center of Sugar street, shall constitute the fourth ward. And so much of the said town as lies north of the center of Sugar street, shall be the

fifth ward, and each ward shall constitute a separate sub school-district of said town, subject to the regulations hereinafter provided.

SEC. 3. That it shall be lawful for the citizens of said town, having the qualifications of electors of members of the general assembly, to meet in the wards in which they respectively reside, on the first Friday in March next—in the first ward, at Rowley's tavern; in the second ward, at Hildreth's tavern; in the third ward, at Terry's building, on High street; in the fourth ward, at the courthouse, and in the fifth ward, at the brick schoolhouse, in Mulberry street; and then and there proceed by ballot to vote for Mayor and Recorder for said town, who shall have the qualifications of electors, and being freeholders or householders actually residing within the limits of said corporation, and also, by ballot, to elect one councilman, who shall reside within the limits of the ward in which he shall be elected, and having the qualifications aforesaid, also a treasurer and marshal, and such other officers as may be determined on by the mayor and common council, and the poll books of said elections shall be certified, sealed and forwarded by the judges of election in each ward, within twentyfour hours after the close of the polls, to the clerk of the township in which said town is situated, who shall, so soon as said poll books are received, proceed to open the same, and make out an abstract of all the votes so given, and the persons having the highest number of votes for mayor, recorder, treasurer, marshal and councilmen, shall be declared by said clerk duly elected to the said offices respectively, and the persons having the highest number of votes for councilmen in their respective wards, shall be so declared duly elected councilmen for said wards, who shall severally be sworn or affirmed before entering upon the duties of their respective offices, in the same manner as township officers are required by law to be qualified; provided, that at the first election to be held under the provisions of this act, two judges of election shall be chosen viva voce, in and for each ward, who shall thereupon take an oath or affirmation, faithfully to discharge the duties required of them under this act, and shall appoint clerks for said elections, and at all subsequent elections of said officers, which elections shall be held on the first Friday in March, annually, at such places as the mayor and common council shall designate, the councilman of each respective ward, together with one, or, in case of absence or disability of said councilman, two other persons to be chosen viva voce, shall serve as judges, and said judges shall appoint the clerks of said elections, and the poll books of said elections shall be certified, sealed, and returned by said judges to the mayor and recorder at the council room, within twentyfour hours after the close of said elections, who shall thereupon proceed to perform all the duties required of the township clerk aforesaid, under the first election, and the persons, by them declared duly elected, shall be qualified in like manner as the officers chosen at the first election under this act, and said elections shall be conducted in the same manner as township elections are required by law to be conducted; the same notice shall be given, by the person or persons declaring the result of said elections to the persons elected, and the same penalties accrue for refusing to accept the office as are provided for in the law regulating township elections; and the persons thus elected, shall hold their offices for one year, and until their successors are

elected and qualified, provided that no person shall be compelled to accept an office in which he shall have served the preceding year.

SEC. 4. That the mayor, recorder and councilmen of said town, shall be a body corporate and politic, with perpetual succession, to be known and designated by the name of the mayor and common council of the town of Mount Vernon, and shall be capable in law to acquire, receive, hold and convey any estate, real or personal, for the use of said town; may have a common seal, and may alter the same at discretion; may sue and be sued, plead and be impleaded, answer and be answered in any court of law or equity in this state; provided that when any suit shall be commenced against said corporation, the process shall be by summons, an attested copy of which shall be left with the recorder, or in his absence, with the mayor at least ten days before the return day thereof.

SEC. 5. That the mayor and common council, or a majority of them, whereof the mayor or recorder shall always be one, shall have power to make, ordain and publish all such bylaws and ordinances, consistent with the constitution and laws of the United States and of this state, as they may deem necessary for the regulation, interest, safety, health, cleanliness and convenience of said town, and the inhabitants thereof; and shall have power to fill all vacancies which may happen by death, removal, resignation or otherwise, in any of the offices herein named; to prescribe their duties and require such security as they may think proper; to remove them at pleasure, and to impose such fines, not exceeding five dollars, for neglect or misconduct in office, as they may deem just, and collect the same by execution, issued by the mayor; to impose a tax, not exceeding two mills on a dollar, per annum, for the purpose of effecting any object or improvement, for the benefit of said town or its citizens, upon all property by law made taxable, according to the value of the same, as stated upon the auditor's books; provided that all taxes, levied for the purpose of paving or otherwise improving the sidewalks of said town, shall be assessed upon and against the lot or lots, in front of which, such improvement is to be made, except in the construction of sidewalks across the public square; they shall also have the control and regulation of school districts within said town, in the same manner as the same is now held by the trustees of the townships; and shall also be a board of school directors for said town, subject to all the regulations and requirements of the act for the support and better regulation of common schools, except as hereinafter provided, each councilman shall, by virtue of his election as such, be a special school director for the ward in which he resides, and the election of school directors as provided for in the thirty second section of said act, shall, so far as this corporation is concerned, be dispensed with; all taxes for building, purchasing, repairing or furnishing school houses and lots, shall be equally assessed upon all the property in the subdistrict where such expenditures shall be required, and shall be expended for the benefit of such subdistrict only, and such subdistrict shall have in all respects the same power to build, purchase, repair or furnish schoolhouses or lots, and assess taxes therefor, and do all other acts that other school districts can lawfully do, and the mayor and common council, acting as a board of school directors for said town, shall appoint a district treasurer other than the treasurer of the corporation, who shall give bond and security, and perform all the duties required of him by law.

SEC. 6. That the mayor, and in his absence or disability, the recorder, shall be a conservator of the peace within the limits of the corporation, and shall possess all the powers and abilities within said corporation, that justices of the peace possess within their proper townships; he shall be governed by the same laws, and be entitled to the same fees for similar services; he shall give bond as is required by law of justices of the peace, and an appeal may be taken from any final decision or judgment of said mayor or recorder, to the court of common pleas of Knox county, in the same manner as from that of a justice of the peace; it shall also be his special duty to see that the rules and ordinances made and published by the mayor and common council, as aforesaid, be strictly enforced and obeyed.

SEC. 7. That it shall be the duty of the recorder to make and keep a fair and accurate record of all laws, rules, or ordinances, made and ordained as herein provided for, and of their proceedings in their corporate capacity, which record shall be at all times open to the inspection of the electors of said town; he shall, in the absence or disability of the mayor, preside at all public meetings of the corporation, called together by the town authorities, and of the common council, and perform all other duties that might otherwise pertain to said mayor; it shall further be his duty, whenever taxes are levied, as above provided for, to make out a duplicate thereof, charging each individual owning property in said town, with the amount of tax assessed against him, according to the value of such property, and in proportion to the amount thereof, which duplicate shall be certified and signed by the said mayor and recorder, and delivered to the town marshal, who shall proceed to levy and collect said tax upon the personal property of the persons against whom the same is charged, in the same manner as constables are required to collect money on execution, by sale of goods and chattels; and for want of sufficient personal estate being found by said marshal, or turned out to him upon demand being made, if the delinquent be a resident of said town, then it shall be the duty of said marshal to proceed and collect said tax against the real estate charged therewith, in the same manner and under the same regulations as collectors of state and county taxes are or may be, by law, required to collect state and county tax; and the said marshal, previous to his receiving said duplicate, shall be required to give bond with approved security, for the faithful performance of the trust reposed in him, and shall, within forty days from the receipt of such duplicate, pay into the hands of the treasurer, all moneys therein named, that admit of being made without proceeding against the real estate; and when necessary, the recorder shall have power to make deeds for any real estate sold under the provisions of this section, in the same manner as county auditors are empowered to make deeds for real estate, sold for the payment of state or county tax; and the marshal shall be entitled to receive the same per centum as fees for services under this section, as is allowed to county collectors for similar services.

SEC. 8. The qualified electors of said corporation shall, at their annual elections, elect one street commissioner for said town, whose duty it shall be to superintend all road work within the limits of said town, and who shall be governed in the performance of his duties by the laws regulating supervisors in other cases, and such other laws and ordinances on the subject, as shall be made by the said mayor and common council, and shall receive such compensation for his services as the said mayor and council

may deem just and equitable; and all road tax charged on the county duplicate on property within the limits of said town, and all moneys appropriated to road purposes by said town authorities, together with the two days labor provided for by law, shall be worked out under his direction; and all taxes charged for road purposes, as aforesaid, on property within the limits of said town, and collected by the county treasurer or collector, shall be paid into the hands of the town treasurer, to be specially appropriated, by the mayor and common council, to road purposes within said town, provided that the amount of road tax charged on the county duplicate upon the property within the several wards of said town, and the two days road work required of residents of said wards, together with all moneys specially appropriated by the mayor and common council for road purposes, shall be expended upon the streets and alleys within the ward in which such tax is charged.

SEC. 9. That the mayor and common council shall have power to make and establish ordinances to prevent the sale of spirituous liquors, by any person or persons other than licensed tavern keepers, in any less quantity than a quart; and may, by ordinance, provide for licensing and prohibiting public amusements or exhibitions, and regulate the same as they shall deem proper.

SEC. 10. That the town marshal, so elected as heretofore provided for, and having given bond to said corporation, as required of constables, shall be invested with all the rights and powers, and subject to the same duties within said corporation limits, as constables are, or may be, within their proper townships, and shall be governed by the laws pointing out the duties of constables, and such other laws and ordinances as may be passed by the said mayor and common council, and shall be entitled to the same fees as constables, for like services.

SEC. 11. That it shall be the duty of the mayor and common council to meet at the council room on the first Monday of every month, and oftener, if occasion requires, for the transaction of the business of the corporation; and the members of said council shall not be entitled to any fees for services rendered, as such, in the discharge of their duties under this act; provided that the recorder shall be entitled to receive such sum as the mayor and common council shall deem a just and sufficient compensation for making and keeping the records of the corporation, copying the laws and ordinances of the mayor and common council, and making out the duplicate of taxes, as required of him under this act.

SEC. 12. That the mayor and common council shall settle with the treasurer, or, in case of his neglect or refusal to attend, shall state his account, on the first Monday in February, annually; and within ten days thereafter, an accurate account of all moneys received into the treasury the preceding year, and also the expenditures for the same period, showing from what source the moneys have been received, and for what object paid out, shall be made out by the recorder, and a copy of said account posted up in three of the most public places within said town, one of which shall be at the courthouse, and upon neglect so to do, the recorder shall be subject to a penalty of fifty dollars, to be recovered by an action of debt, in the name of any person making complaint, for the use of said town, before the mayor, and paid into the treasury of said town.

SEC. 13. That said corporation shall be allowed the use of the jail of said Knox county, for the confinement of such persons as may be liable to commitment, under the laws and ordinances of said mayor and common council; and all persons so imprisoned shall be under the sheriff's charge, as in other cases; and the jailor shall receive such compensation, and no more, for his services under this act, as the mayor and common council may, from time to time, allow.

SEC. 14. This act shall be taken and received in all courts of record, or elsewhere, as a public act, and all copies caused to be printed and circulated with the other laws of this session, shall be received as conclusive evidence of the same; and all official acts of the mayor or recorder, certified under the seal of said corporation, shall be entitled to the same credit and authenticity as though the same had been certified under the seal of one of the courts of record.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 26, 1845.

AN ACT

To incorporate the German Tailors' Trades Union, of Cincinnati.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Bernard Varwig, Christopher Schutte, Werner Gerwels, and their associates, are hereby created a body politic and corporate, by the name and style of the German Tailors' Trades Union, of Cincinnati, with succession for the term of twenty years, and, as such, are capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, in any action at law or in chancery; and shall have power to own, use, possess, and dispose of any amount of property not exceeding one thousand dollars; to have and use a common seal, and the same to break, alter, and renew, at pleasure.

SEC. 2. Said corporation shall have power to determine all officers proper for its government; make and ordain all necessary bylaws, and do all other acts necessary to be done by said corporation; provided that the members of said corporation shall be individually liable for all debts contracted by said corporation.

SEC. 3. Any future legislature may alter, amend, or repeal this act.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 27, 1845.

AN ACT

To amend an act entitled "An act creating a commissioner for the graded state road, leading from Chandlerville, in Muskingum county, through Morgan county, to Coal Run, in Washington county," passed December 30, 1843.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Charles G. Gibbeant, of Muskingum county, be and he is hereby appointed commissioner of that part of the graded state road leading from Chandlerville, in Muskingum county, through Morgan county, to Coal Run, in Washington county, as is within the limits of said county of Muskingum, for a term not exceeding two years, with all the powers contained in the act to which this is an amendment, so far as the aforesaid county is concerned; provided that said commissioner, before entering on the discharge of his duties, shall give bond, with such securities, and in such sums, as shall be approved of by the auditor of said county of Muskingum; and, provided further, that such commissioner shall have no other or further compensation for his services than such sum as shall be allowed by said auditor, not exceeding one dollar per day for the time actually employed by said commissioner, to be paid out of the subscription of said road.

SEC. 2. That the commissioner, named in the act to which this is an amendment, be and he is hereby authorized and required to pay over to the commissioner, named in this act, all such unexpended balances as may be in his possession, and also all such papers pertaining to said road in said county of Muskingum, containing subscriptions in money or labor not yet collected.

SEC. 3. That all parts of the act to which this is an amendment, inconsistent with the provisions of this act, be and they are hereby repealed. This act shall take effect and be in force from and after its passage.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

February 25, 1845.

AN ACT

For the more effectual relief of the poor, in the city of Cincinnati.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That hereafter, the city council of the city of Cincinnati, in lieu of the trustees of the township of Cincinnati, shall have power to provide for the medicine and medical attendance of the poor, within the limits of said city, and not inmates of the Commercial Hospital and Lunatic Asylum; any thing in the act to authorize the establishment of poorhouses, passed March eight, one thousand eight hundred and thirty one, to the contrary notwithstanding, and all expenses arising therefrom shall be paid in the same manner as is now provided by law.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

February 27, 1845.

AN ACT

To amend the act entitled "An act to amend the act incorporating the Wayne, Medina and Cuyahoga Turnpike Company," passed February 19, 1844.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the Wayne, Medina and Cuyahoga Turnpike Company may, and are hereby authorized to demand and receive the full rates of tolls allowed by the act entitled "an act to amend the act incorporating the Wayne, Medina and Cuyahoga Turnpike Company," passed February nineteenth, one thousand eight hundred and forty four, from and after the time of the passage of this act, provided, that if said company shall not, by the first day of December, one thousand eight hundred and forty five, have placed said road in good repair, and graded the hills down to five degrees of elevation, then said company shall be bound to pay over to the commissioners of each of the counties through which the road passes, one half of the tolls which may have been collected at the gates in such county, from and after the passage of this act, to be expended under the direction of said commissioners in repairing said road; and whenever thereafter the road shall be found to be out of repair, by inspectors, appointed according to the provisions of "an act to amend the act to provide for the regulation of turnpike companies," passed March tenth, one thousand eight hundred and thirty six, the said company shall pay to said county commissioners, of each of said counties, one half of the tolls collected during the next six months thereafter, at the gates of each of such of said counties, to be expended by said commissioners in repairs on said road; provided, however, that if the whole receipts of tolls on said road shall have been expended by said company in repairing and grading said road during the several times before mentioned, then the provisions of this section shall be inoperative.

SEC. 2. For the purpose of enabling said company to obtain the means of laying a superstructure of timber and plank upon said road, the directors are hereby authorized at any time within three years, to increase their capital stock to two hundred thousand dollars, and to open books for subscription thereto, at such times and places as to them shall seem expedient, by giving thirty days notice thereof in one or more newspapers in general circulation in each of the counties through which the road passes.

SEC. 3. Whenever the said company shall have constructed any continuous five miles of said road of timber and plank, in the manner in which plank roads are usually made, then said company shall have the right to demand and receive thereon a rate of tolls not exceeding fifty per centum in addition to the rate of tolls named in the act to which this is an amendment, provided said plank road shall be approved by the county commissioners of the proper county.

SEC. 4. So much of the act to which this is an amendment as conflicts with the provisions of this act is hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 27, 1845.

AN ACT

To amend the act entitled "An act to provide for the more permanent improvement of roads and highways, in the county of Hamilton, and for other purposes, passed March 6, 1844

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be the duty of the trustees of the different townships in the county of Hamilton, except in the township of Cincinnati, to levy a tax for road purposes, of not less than one and a half, nor more than three mills on the dollar, in each year, in the manner prescribed in the first section of the act to which this act is an amendment, and that the time allowed in said act for the county auditor to make out and deliver to the township clerks a list of taxes due in each township, for road purposes, is hereby extended to the fifth day of June in each year; and it shall be the duty of the county auditor in making out such lists, to charge all real estate in the name of the person or persons, to whom the same stands charged on his duplicate for the preceding year, unless the same shall have been transferred on the books of said auditor, and in that case, said real estate shall be charged in the name of the person or persons in whose name such transfer is made; and it shall be the duty of said county auditor in making the township list aforesaid, to charge the chattel property thereon according to the returns of the assessors made for the year in which said list is made out as aforesaid.

SEC. 2. That the time allowed to the township clerks to make out and deliver the list required by said act, to be made out and delivered to the road supervisors in said townships, be and the same is hereby extended to the twentieth day of June in each year.

SEC. 3. That should any of said road tax remain unpaid on the tenth day of September, in any year, and if the person or persons so charged with the payment of such tax be a resident of the township in which such tax is charged, it shall be the duty of the supervisor of the road district in which such property is charged on said list, to proceed to collect the same according to the provisions of the act entitled "an act prescribing the duties of supervisors, and relating to roads and highways," passed March twentieth, one thousand eight hundred and thirty seven; but if such person or persons should be nonresidents of the township in which such tax is charged, as aforesaid, such supervisor shall, on or before the first day of October, in each year, return the same to the county auditor, who shall proceed according to, and be governed by, the provisions of the act to which this act is an amendment, provided the said county auditor shall deliver to the county treasurer of said county, for collection, a list of such delinquents by the fifteenth day of October.

SEC. 4. That so much of the act to which this act is an amendment, as shall conflict with the provisions of this act, be and the same is hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 27, 1845.

AN ACT

To lay out and establish a State Road in the counties of Holmes and Wayne.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That John Martin, of Monroe township, and Charles Cline, of Holmes county, and William Hutchison, of Wayne county, be and they are hereby appointed commissioners, and Anson Wheaton, of the county of Holmes, surveyor, to lay out and establish a state road in said counties, commencing at Nashville, in said Holmes county; thence on the most practicable route to John Darwell's saw mill, on Paint Creek; thence along the valley of said creek to Alexander Moor's grist mill; thence down the valley of said creek to Poulson's bridge, over Killbuck creek; thence to Lafayette, in said Holmes county; thence by the most practicable route to Berry's Hill, on Salt Creek; thence along Salt Creek to Fredericksburg, in said Wayne county.

SEC. 2. That the commissioners aforementioned shall be governed in all respects by the law now in force, establishing state roads, passed March fourteenth, one thousand eight hundred and thirty one, and acts amendatory thereto.

SEC. 3. Should a vacancy occur in any of the foregoing appointments, by death, refusal to serve, or otherwise, the county commissioners of that county in which such vacancy may occur, on being notified thereof, shall forthwith fill such vacancy.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 27, 1845.

AN ACT

To authorize the sale of School Section Sixteen, in Sugarcreek township, in the county of Putnam.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That school section number sixteen, in Putnam county, being in the organized township of Sugarcreek, in said county, be and the same is hereby authorized to be sold, and such sale shall be governed in all things by the provisions of an act entitled "an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto," passed February second, one thousand eight hundred and forty three, provided that said lands shall not be sold for a sum less than five dollars per acre, nor less than the appraised value thereof.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 28, 1845.

AN ACT

To authorize the Mayor and Town Council of Piqua, in Miami county, to cause the lots of said town to be renumbered.

Whereas, by reason of the many additions to the original plat of the town of Piqua, and subdivision of the same into lots, all beginning with number one, great uncertainty and confusion has been introduced upon the tax duplicate of Miami county; therefore to remedy the evil—

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the mayor and town council of the town of Piqua, be and are hereby authorized to appoint two suitable persons to proceed forthwith to renumber the lots in said town, from number one progressively, till all be numbered, or that they number said lots in blocks, if, in their judgment, that method will best secure the object in view.

SEC. 2. That the said lots shall be numbered, and a return thereof made to the auditor of Miami county, on or before the first Monday in June next; and for their services the persons appointed shall be paid out of the treasury of the corporation of the town of Piqua such reasonable compensation as the mayor and town council may allow.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

February 27, 1845.

AN ACT

To authorize the sale of School Section number Sixteen, township seven, north, range five, east, in German township, in the county of Lucas.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That school section number sixteen, of township number seven, north, range five, east, in German township, in the county of Lucas, be and the same is hereby authorized to be sold, and such sale shall, in all respects, be governed by the provisions of an act entitled "an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto," passed February second, one thousand eight hundred and forty three, with the following exception:

SEC. 2. That the purchasers of such school section, or any part thereof, shall pay one sixth part of the purchase money at the time of sale, and the balance in five annual installments of equal amount, with annual interest thereon.

SEC. 3. That no part of said section shall be sold for a less sum than five dollars per acre, nor less than the appraised value.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

February 28, 1845.

AN ACT

To establish a Free Turnpike Road in the county of Shelby.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That* Steven Wilkin, Samuel Stevenson and Charles Starrett, of Shelby county, be and they are hereby appointed commissioners to lay out and establish a free turnpike road commencing on the west side of the Miami river, where the Millcreek road intersects Ohio street, in the town of Sidney; thence running on, or as near the Millcreek road as may be practicable or advantageous to its interests, until it intersects the free turnpike road leading from Fiqua to Wapakonnetta.

SEC. 2. That said commissioners shall meet in the town of Sidney, in the county of Shelby, on the first Monday of May, one thousand eight hundred and forty five, or at any time within two months thereafter, and organize by choosing one of their number president of said board, and they shall then take measures to view locate and establish said road, and of all such locations they shall cause true copies to be filed in the auditor's office of the proper county.

SEC. 3. The said commissioners and their successors shall be a corporation, by the name of the Shelby County Free Turnpike Road, and in constructing, repairing, and preserving said road, they shall be governed by and entitled to all the provisions contained in the act entitled an act to establish a Free Turnpike Road, from Sidney, in Shelby county, to Wapakonnetta, in Allen county, passed March seventh, one thousand eight hundred and forty three.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 27, 1845.

AN ACT

To amend the act entitled "An act to incorporate the Columbus, Winchester, Jefferson, and Carroll Road Company," passed March 25, 1841.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That* the act to which this is an amendment shall not become forfeited for nonuser for the space of four years from the passage of this act, any thing in the eighth section of said act to the contrary, notwithstanding.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 28, 1845

AN ACT

To incorporate the Master, Warden and Brethren, of Mansfield Lodge, No. 35.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That James Cautwell, Hiram Humphrey, David McCullough, John McCullough, John P. Drennan, John Meredith, Charles Boyle, William Bushnell, Eli Teegarden, Joseph Ritter and George Armentrout, and their associates, composing the Mansfield Lodge of Free and Accepted Masons, number thirty five, in the county of Richland, and their regular successors, be and they are hereby created a body politic and corporate, in perpetual succession, by the name and style of the Master, Wardens and Brethren, of Mansfield Lodge, number thirty five, and by that name are hereby authorized and empowered to acquire, hold, possess, use, occupy and enjoy any estate real or personal, and the same to lease, sell or otherwise dispose of at pleasure, and that said corporation, by its name aforesaid, shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all courts and places whatsoever, and may make and use a common seal, and the same may break, alter and renew at pleasure; provided that the property owned by the said corporation shall at no time exceed in value the sum of twenty thousand dollars.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.

DAVID CHAMBERS,
Speaker of the Senate.

February 27, 1845.

AN ACT

To amend the act entitled "An act to incorporate the Republic and Bucyrus Turnpike Road Company,"

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the Republic and Bucyrus Turnpike Road Company, be and they are hereby allowed the additional term of ten years, from and after the seventh day of March next, to construct, finish, and put in operation, the said turnpike road.

Sec. 2. That the seventh section of the act to which this is an amendment, be and the same is hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.

DAVID CHAMBERS,
Speaker of the Senate.

February 28, 1845.

AN ACT

Supplementary to the act entitled an act further to amend the act entitled "An act to incorporate the town of Portsmouth, in the county of Scioto," passed March 16, 1833.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the president and common council of the town of Portsmouth, shall have power, whenever in their opinion the interest and convenience of the town will be promoted thereby, to extend the present streets and alleys, and open such new streets and alleys as the public convenience may require.

SEC. 2. That upon application to the president and common council of said town, by at least six freeholders residing in said town, for extending any street, or opening any new street, the president and common council shall issue an order to the surveyor of the town or other competent surveyor, to proceed, within fifteen days from the date of said order, to survey and plat said extended or new street in conformity with the requirements of said order, and the same to report in writing to the next meeting of said council.

SEC. 3. That upon receiving such report of the surveyor, it shall be the duty of the said president and common council to appoint three disinterested freeholders, of the county of Scioto, whose duty it shall be, after having taken an oath faithfully and impartially to discharge their duties, to proceed and view said extended street, or such new street, and the lots or lands fronting thereon, and in case that in the opinion of said freeholders, the lots or lands of any person or persons fronting on such extended or new street, are more injured and rendered less valuable, while the lots or lands of other persons fronting upon said street are less injured and rendered more valuable, it shall be the duty of said freeholders to make a just and equitable assessment upon that portion of said lots and lands fronting upon said street that are rendered more valuable by said street, in favor of those lots and lands that are by said street rendered less valuable, and the same to report, under their hand and seal in writing, to said common council; and any time within thirty days after said last report, it shall be lawful, upon the application of any person interested, for the said common council to grant reviews, by five disinterested freeholders of said Scioto, such applicant for such reviews specifying the case of such review, and give bond with security to the said president and common council, in the sum of one hundred dollars, conditioned to pay the costs of such review, in case his application should not be sustained upon review.

SEC. 4. That the amount assessed by the reviewers shall be deemed a lien upon the lots and lands whereon the same are assessed, and the same may be moreover recovered of the owner or owners of such lots and lands in an action of debt, in the name of the president and common council of the town of Portsmouth, before the mayor of said town, or any justice of the peace, and the report of the viewers, or a certified copy thereof, by the recorder of said town, shall be the evidence of the liability of such owner or owners.

SEC. 5. That upon the return of no goods upon an execution issued upon any judgment rendered in conformity with the foregoing section, it shall be the duty of the mayor or justice of the peace to certify a transcript of said judgment to the clerk of the court of common pleas of Scioto

county, who shall file the same and issue a scire facias thereon, and such proceedings shall be had thereon as is provided in the eighty eighth and eighty ninth sections of the act regulating the civil jurisdiction of justices of the peace.

SEC. 6. That the said council shall, within ninety days after filing the report of the viewers, issue their order upon the treasurer to the person or persons in whose favor any assessment is made for the amount of such assessment.

JOHN M. GALLAGHER,
Speaker of the House of Representatives
DAVID CHAMBERS,
Speaker of the Senate

March 4, 1845.

AN ACT

To empower the Goshen, Wilmington, and Columbus Turnpike Company to sell a portion of said turnpike.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of directors of the Goshen, Wilmington, and Columbus Turnpike Company, be and they are hereby empowered to sell, either at public auction or private sale, if a sale at public auction can not be made, so much of said turnpike road as lies between Wilmington, in Clinton county, and Washington, in Fayette county, with the appurtenances thereof, to any other turnpike company, incorporated by the laws of the State of Ohio, or to any individual or association of individuals, resident in the State of Ohio, who may offer to finish such part of said turnpike aforesaid, according to law; provided that the stockholders of said turnpike company, or a majority of them in interest, shall have previously given their assent to such sale, at some regular or specially called meeting of the stockholders of said company.

SEC. 2. After receiving such assent, and after such sale shall have been made, and the price offered at such sale be paid, or satisfactorily secured, the president of said company is hereby authorized to execute, under the seal of the company, acknowledge and deliver such instrument of conveyance, as will be sufficient in law to invest the purchaser or purchasers of such part of said turnpike road with all the right, title and interest of said Goshen, Wilmington, and Columbus Turnpike company, in the part of said road aforesaid, and its appurtenances, except the interest therein of the State of Ohio as a stockholder; and on receiving such conveyance, and filing with the auditor of state satisfactory security for the completion of such part or portion of said road, the auditor of state shall give to the said purchaser or purchasers, a certificate stating that such security has been given.

SEC. 3. After receiving such certificate from the auditor of state, the said purchaser or purchasers shall file the same in the office of the secretary of state, together with the deed of conveyance as aforesaid, and the said purchaser or purchasers, shall, thereupon, be vested with all the rights,

property and franchises of such turnpike company, in the said portion of said turnpike, as in the act incorporating said company are provided, subject, however, to all liabilities to the State of Ohio now existing, on account of the stock of said turnpike company, for tolls, dividends of profits, which may be received on such part of said turnpike.

SEC. 4. The State of Ohio shall not be liable to be called on to contribute to any expense incurred in completing such part of such turnpike aforesaid, by the purchaser or purchasers thereof.

SEC. 5. Whenever said Goshen, Wilmington and Columbus Turnpike Company shall sell such portion of said turnpike road, as aforesaid, and convey the same as hereinbefore provided, the directors of said company shall also transfer to the purchaser or purchasers thereof, as a part of the appurtenances thereof, such portion of the unpaid subscription of stock in said company, as may, by the said directors and purchaser or purchasers, be agreed on; and when such unpaid subscriptions of stock shall be transferred as aforesaid, the transferee or transferees thereof, shall have and hold the said claims against such subscribers as now may be held by the said turnpike company.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.

DAVID CHAMBERS,
Speaker of the Senate.

February 28, 1845.

AN ACT

To incorporate the German Tailors' Benevolent Society of Cincinnati.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Jacob Frey, George Neib, Frederick C. Kampe, H. Weizenecker, and Henry Buhner, and those who may hereafter become associated with them, and their successors, be and they are hereby created a body politic and corporate, and, as such, shall be capable of suing and being sued, pleading and being impleaded, in any action at law, or in chancery; to make and use a common seal, and change the same at pleasure; to acquire, hold, and convey property, real, personal, or mixed, in any amount not exceeding two thousand dollars, at any one time; to make and adopt a constitution and bylaws, and elect officers for the government of its members, and to do all other acts necessary to carry into effect its charitable designs; provided that such constitution and bylaws shall not be contrary to the laws of the State of Ohio, or of the laws of the United States.

SEC. 2. This act to continue and be in force for the period of twenty years from and after its passage, provided that nothing herein contained shall prevent any future legislature from amending, altering, or repealing the same.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.

DAVID CHAMBERS,
Speaker of the Senate.

February 27, 1845.

AN ACT

To authorize the treasurer of Wood county to buy in, for the State of Ohio, certain lots of lands in school section sixteen, in township one, in the Twelve Mile Reserve, in Lucas county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county treasurer of Wood county, be and he is hereby authorized to bid off, in the name of the state of Ohio, and take a conveyance to the State of Ohio, from the proper officer of Lucas county, such lots of land, in school section sixteen, in township one, in the Twelve Mile Square Reserve, in Lucas county, as may be offered for sale under a decree or decrees of the court of common pleas or supreme court of Lucas county, for the same, on account of the nonpayment of the mortgages given to secure the purchase money on said lots, in case the same should not be purchased by any individual or individuals at the appraised value. However, if the said treasurer should be of the opinion, that it would be to the disadvantage of the school fund to have said lots sold at the appraised value, he is hereby authorized to bid any sum not exceeding the amount due on the mortgage upon which it may be offered for sale.

SEC. 2. That said lands shall, upon the execution of said conveyance, by the proper officer aforesaid, be vested in the state of Ohio, in trust for the same uses and purposes, and upon the same terms and conditions as they were held before the sale made under the act of March fifth, one thousand eight hundred and thirty five, authorizing the sale, and giving the mortgages as aforesaid.

SEC. 3. That nothing in this act shall be so construed as to authorize the creating of any liability against the state of Ohio, for the payment of any money whatever, on account of any purchase of lands herein authorized to be made by the treasurer of Wood county, but the amount bid by said county treasurer for any tract of land which he may buy in, pursuant to the provisions of this act, shall be in satisfaction of so much of the decree upon which the land is sold; and all costs which it shall be necessary to pay, in order to perfect such sale and conveyance, shall be paid out of the school fund of the township having the beneficial interest in the land.

SEC. 4. That the said treasurer of Wood county is hereby authorized to pay any taxes which have accrued on said land since their sale in the year eighteen hundred and thirty five, out of any moneys which may come into his hands from said school section.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 27, 1845.

AN ACT

To provide for the better improvement of the Lima and Findlay State Road.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That* John Sprott, of the county of Allen, Daniel L. Goble, of the county of Putnam, Hiram Smith, of the county of Hancock, be and they are hereby made trustees for the Lima and Findlay state road, and in order to its better improvement, the number of said trustees may be increased by the county commissioners, as follows: one additional one in the county of Allen, two in addition in the county of Putnam, and one in addition in the county of Hancock; either of the trustees named in this act, or such as may be hereafter appointed by the county commissioners, shall be capable of carrying into effect any of the provisions of this act, as follows: those in the county of Allen, in the county of Allen; those in the county of Putnam, in said county; and those named in the county of Hancock, in the county of Hancock.

SEC. 2. The trustees shall have power to receive subscriptions and donations in money or property, real or personal, which shall be applied to the constructing of said road; they may make contracts for constructing the same in a solid and durable manner, and keep the same in repair, and they shall have power to purchase and procure all the necessary implements and fixtures to preserve said road in repair.

SEC. 3. The taxes levied for road purposes, on all property within one mile of said road, on each side thereof shall be applied to the construction and repair thereof, and all persons owing such taxes, who may wish to discharge the same in labor, shall apply such labor under the direction of said trustees.

SEC. 4. So much of the taxes appropriated by this act as shall be paid into the county treasury, shall be computed by the county auditors and paid over, on the certificate of the officers of said board, certifying that labor to the amount thereof has been performed on said road; and all taxes so computed shall be expended on said road by said trustees.

SEC. 5. It shall be the duty of the respective county auditors, in computing the portion of road tax that may have accrued within the aforesaid limits on each side of said road, to embrace the whole of any tract of land, not exceeding eighty acres, of which at least one half shall be within said limits, and for all duties performed by them under this act he shall be allowed the same fees allowed by law for similar services in other cases, to be audited by the county commissioners and paid out of the county fund.

SEC. 6. That each of said trustees shall, annually, in the month of February, make a full settlement of their receipts and expenditures, under this act, and deposit a copy thereof in the auditor's office of each county through which said road may pass, and for this purpose they shall keep an accurate account of their receipts and expenditures.

SEC. 7. The supervisor of any road district, through which said road may pass, shall be and hereby is authorized to appropriate any portion of the two days labor within his district, which he may deem expedient, to the construction, preservation, and repair of said road, and the same shall be applied under the direction of said trustees.

SEC. 8. The trustees of said road shall be allowed seventy five cents per day, when engaged on the business of said road, and no more; and when any vacancy shall happen in said board by death, resignation or otherwise, the commissioners of the county, on being notified thereof, shall fill the same as often as it may occur.

SEC. 9. That the county auditors of the counties through which said road passes, shall make out a list of all persons charged with road tax, to be applied on said road, and forward the same to the trustee or trustees named in this act, within his county, at such time as is usual to provide township clerks with abstracts of road tax.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS.

Speaker of the Senate.

February 28, 1845.

AN ACT

To lay out and established a Free Turnpike Road from the town of Fairhaven, in the county of Gallia, to the town of Jackson, in the county of Jackson.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That* Robert Black, John R. McCormick, and Nehemiah Atwood, of the county of Gallia, and James H. C. Miller and Daniel Hoffman, of the county of Jackson, be and they are hereby appointed commissioners to lay out and establish a free turnpike road, commencing at Fairhaven, in the county of Gallia, thence the nearest and best way, making Gallipolis and Nehemiah Atwood's hotel, in Gallia county, and James Lackey's hotel, in Jackson county, points thereon, to the town of Jackson, in Jackson county; which road shall be constructed, repaired, and preserved in the manner pointed out in this act.

SEC. 2. That said commissioners shall have power to appoint superintendents, or such other agents as they may deem necessary to carry into effect the provisions of this act; a majority of said commissioners shall have power to transact any business, and exercise any powers devolving on them, or intrusted to them, by this act; and they shall keep a record of their proceedings, which shall at all times be open to inspection by any person desiring to inspect the same.

SEC. 3. That said commissioners shall meet on the first Monday of April, one thousand eight hundred and forty five, or within sixty days thereafter, and organize, by choosing one of their number president of the board, and they shall then take measures to view, locate and establish said road, and of all such locations, they shall file a copy with the auditor of each county, through any part of which said road may pass; provided that every commissioner appointed under the provisions of this act shall, before entering upon the duties of his office, give bond in such sum and

with such security as the commissioners of any county through which said road may pass, and to whom such bond shall be presented for approval, may think proper, and also take an oath faithfully and honestly to discharge the duties of his office.

SEC. 4. The commissioners shall have power to receive subscriptions or donations in money, or property, real or personal, which shall be applied to the construction of said road; they may make contracts for constructing the same in a solid and durable manner, and for keeping the same in repair; they may open and finish said road in the first instance along such portions of the line thereof, as will soonest render the whole line thereof available for travel or transportation; and they shall have power to purchase and procure all the necessary implements and fixtures to preserve said road in repair.

SEC. 5. The taxes levied for road purposes, on all property within one mile of said road on each side thereof, shall be applied to the construction and repair thereof; and all persons owing such taxes, who may wish to discharge the same by labor, shall apply such labor under the direction of said commissioners, or their agents appointed for that purpose.

SEC. 6. So much of the taxes appropriated by this act, as shall be paid into the county treasuries, shall be computed by the county auditor of the respective counties through which said road, or any part thereof, may pass, as accurately as may be, and paid to said commissioners or their agent, and all taxes so computed by the county auditors, shall be expended on said road in the county where collected.

SEC. 7. It shall be the duty of the county auditors of the respective counties through which said road, or any part thereof, may pass, in computing the portion of the road taxes, that may have accrued within the aforesaid limits, on each side of said road, to embrace the whole of any tract of land not exceeding eighty acres, of which any part shall be within said limits; and for all duties performed by said county auditors under this act, they shall be allowed the same fees as are allowed by law for similar services in other cases, to be audited by the county commissioners, and paid out of the county funds.

SEC. 8. The commissioners shall have power to receive donations of land to aid in the construction of said road, and to convey the same in fee simple; they may take releases of the right of way, and they shall expend the money in their hands only on such parts of said road as shall have been permanently located and established.

SEC. 9. The said commissioners and their successors shall be a corporation by the name and style of the Gallia and Jackson Free Turnpike Road, for the purpose of carrying into effect the provisions of this act; and it shall be their duty to prosecute for all obstructions of said road, or for injuries done to the same, or the bridges thereon; and the form of such prosecutions shall be in the action of debt; and the amount recoverable in each case shall be the amount of damages actually found by the court or jury, with ten per centum thereon; and in all such cases, the said commissioners shall have a right to sue either before a justice of the peace, or in the court of common pleas of the proper county, which suits shall be appealable as in other cases; and the amounts collected in each case shall be

for the benefit of said road, and shall be paid to said commissioners or their agents.

SEC. 10. The said commissioners shall annually, in the month of January of each and every year, make a full settlement of their receipts and expenditures under this act, and publish an account thereof, in some newspaper having general circulation along the line of said road, and shall also deposit a copy thereof in the auditor's office, in each county through which said road, or any part thereof, may pass.

SEC. 11. The supervisor of any road district through which said road may pass, shall be and hereby is authorized to appropriate any portion of the two days labor within his district, which he may deem expedient, to the construction, preservation and repair of said road; and the same shall be applied under the direction of said commissioners or their agents.

SEC. 12. The commissioners of said road shall be allowed their actual personal expenses when engaged in the business of said road, and no more; and when any vacancy shall happen in said board, by death, resignation or otherwise, the commissioners of the county, in which such vacancy shall happen, shall fill the same as often as it may occur; and the said commissioners and their successors shall each give bond in such amount as shall be fixed by the county auditor of their respective counties, with security to be approved by such county auditor, for the faithful discharge of the duties of their office, and the paying over and expending all the moneys that may come into their hands by virtue of their office.

SEC. 13. The expenses of surveying and locating, and other expenses incidental to the construction, preservation, superintendence and repair of said road, shall be paid out of the funds appropriated by this act to the construction, preservation and repair of the same.

SEC. 14. All claims for damages arising out of the location of said road, shall be settled in the manner prescribed by the act for opening and regulating roads and highways; and all damages assessed for injury to property, shall be paid out of the county treasury, if, in the opinion of the county commissioners, the benefit resulting from the establishment of said road, will be equal to the amount of damages assessed.

SEC. 15. This act shall take effect and be in force from and after its passage.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 28, 1845.

AN ACT

To amend the act entitled an act to lay out and establish a Free Turnpike Road, from Bellefontaine, in the county of Logan, to the Indiana state line.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of the county of Vanwert, shall, at their next March session, appoint one superintendent in each of the townships through which said Bellefontaine, Lima and Vanwert Free Turnpike Road passes, in the county of Vanwert, aforesaid, who shall discharge all the duties heretofore discharged by the commissioners of said road, they shall expend all moneys that may come into the county treasury by the act to which this is an amendment; that when money shall come into the county treasury, they shall give notice by advertising along said road, in the most public places in the vicinity, where work is to be done, appointing a day for sale of contracts to the lowest responsible bidder, and when the contract shall have been completed according to the tenor thereof, such superintendent shall give an order on the county treasurer, certifying that such labor has been performed, and it shall be the duty of said treasurer to pay such money on said order.

Sec. 2. Said superintendents shall serve during the discretion of said county commissioners, and shall receive seventy five cents per day, while actually employed in the improvements of said road.

Sec. 3. That all persons owing road tax on said road, and wishing to discharge the same in labor, shall do it under the direction of the superintendents provided for in this act, and any supervisor who may wish to apply any portion of the two days labor on said road, shall do it under the direction of the superintendent of his township.

Sec. 4. That it shall be the duty of the county commissioners of Vanwert county, to settle with Joseph Gleason, former commissioner on said road, and if any balance is found due said Gleason, or any other person, the same shall be paid out of the county treasury of Vanwert county, upon the order of the auditor thereof, provided that the several sums audited and allowed shall not exceed the just proportion of expenses for laying out and establishing said road.

Sec. 5. The provisions of this act shall extend to all free turnpike roads heretofore and hereafter laid out and established in the county of Vanwert.

Sec. 6. That so much of the act to which this is an amendment, as conflicts with this act, is hereby repealed.

Sec. 7. That all money paid into the county treasury under the provisions of this act, shall be expended in the township where collected, and said superintendent shall make an annual settlement with the county commissioners of Vanwert county.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS.

Speaker of the Senate.

February 28, 1845.

AN ACT

To amend the act entitled an "Act to incorporate the town of Millersburg, in Holmes county, passed February 17, 1835.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That hereafter, for the purpose of raising all such sums of money, as by the act of incorporation of said town of Millersburg is authorized to be raised, the mayor, recorder and common council, are hereby authorized and required, on or before the first Monday of June in each and every year, to determine the per centum to be levied on the valuation within said town, and the same to be certified to the auditor of Holmes county, on or before the first Monday of June, annually, by the recorder of said town.

SEC. 2. That the said county auditor shall, hereafter, in making out the duplicate of taxes, to be collected within said county of Holmes, add a column to that part of his duplicate, including the taxable property in said borough, in which he shall set down the tax, resulting from the per centum so certified to him by the recorder of said town.

SEC. 3. That, for the purpose of collecting arrearages of taxes, due and unpaid, it shall be lawful for the recorder of said town to make from the duplicates heretofore returned by the several marshals of said town, an abstract of all such delinquent taxes, with legal interest thereon, without penalty, and to certify the same to the auditor of said county of Holmes, on or before the first Monday in June, one thousand eight hundred and forty five, and that the said auditor be required to add the same to the taxes levied for said year.

SEC. 4. That the treasurer of said county of Holmes be and he is hereby authorized and required to collect the taxes so levied, including said delinquent taxes, he is now by law authorized and required to collect other taxes upon his duplicate, and be allowed the same fees; and when so collected to pay the same over to the treasurer of said town of Millersburg, on the order of the auditor of said Holmes county.

SEC. 5. That the said mayor, recorder and common council, shall have power and authority to cause to be set, at the expense of the said town, the necessary curbing along the gutters and sidewalks of said town, whenever they may deem it proper or necessary so to do.

SEC. 6. That so much of the act to which this is an amendment, as is inconsistent with the provisions of this act, be and the same is hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 28, 1845.

AN ACT

To incorporate the Dayton and Xenia Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That Joseph Barnett, Samuel Woodman, Philip Dutoit, John Cox and John Harshman, and their associates, be and they are hereby created a body corporate, under the name of the Dayton and Xenia Turnpike Road Company, for the purpose of constructing a turnpike road from Dayton to Xenia, commencing at some suitable point in or near the city of Dayton, thence as nearly as practicable on the route of the old Xenia road, making John Coxes tavern, John Shannon's mansion house, and Snyder's mills, points in said road, which company shall have all the rights, privileges and powers, and be subject to all the restrictions defined in the act to provide for the regulation of turnpike companies, passed January seventh, one thousand eight hundred and seventeen, and the several acts amendatory thereto, except in so far as the same may be modified or changed by the special provisions of this act.*

SEC. 2. The capital stock of said company may be sixty thousand dollars, divided into shares of twenty five dollars each.

SEC. 3. The above named commissioners shall meet at Dayton, at such time as they shall think fit, and proceed to organize said company, and to take order for the opening of books, for the subscription of stock, agreeably to the second section of the said act to provide for the regulation of turnpike companies.

SEC. 4. That as soon as two hundred shares shall be subscribed, the above named commissioners shall call a meeting of the stockholders, in the manner prescribed in the third section of said act, to provide for the regulation of turnpike companies, for the election of five directors for the government of said company.

SEC. 5. That said company be and they are hereby authorized to demand and receive from persons traveling said road the following tolls for every ten miles travel on said road, and in the same proportion for a less distance, to wit:

For every four wheeled carriage, drawn by two horses or oxen, twenty five cents; for every horse or ox in addition, five cents.

For every sled or sleigh, drawn by two horses or oxen, ten cents; and for every horse or ox in addition, five cents.

For every horse and rider, six and a fourth cents.

For every horse, mule, or ass, six months old or upwards, led or driven, three cents.

For every head of neat cattle, six months old or upwards, one cent.

For every head of sheep or hogs, one half cent.

For every four wheeled pleasure carriage, drawn by two horses, thirty cents; for every horse in addition, five cents.

For every two wheeled pleasure conveyance, drawn by one horse, ten cents.

For every four wheeled pleasure carriage, drawn by one horse, twenty cents.

For every cart, drawn by one horse or two oxen, ten cents; for every horse or ox in addition, five cents.

SEC. 6. That whenever five continuous miles of said road is completed according to the provisions of the said act, to provide for the regulation of turnpike companies, the aforesaid company may erect a gate and receive tolls from persons traveling said road, at the above specified rates, provided that such persons shall be exempt from paying tolls as are exempted in the eleventh section of the aforesaid act, for the regulation of turnpike companies, saving only persons conveying the public mails of the United States, which last mentioned persons shall not pass free as in the said act provided.

SEC. 7. That said company and the corporators thereof shall be subject to the provisions of all acts now in force, or which hereafter may be enacted for the purpose of regulating turnpikes companies, generally, in this state, provided that said company shall not have power to contract debts to an amount greater at any time than their means actually on hand, together with their means which may reasonably be expected to accrue within one year thereafter.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 28, 1845.

AN ACT

Declaratory of the ninth section of the act to erect the new County of Wyandott, and alter the boundaries of the County of Crawford.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the territory taken from the county of Hancock, and attached to the county of Wyandott, shall not be held liable for any tax that may be assessed by the commissioners of Hancock county, for railroad purposes, that was not authorized by law to be assessed at the time of the passage of the act to erect the new county of Wyandott, and alter the boundaries of the county of Crawford.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 4, 1845.

AN ACT

To lay out and establish a Free Turnpike Road in the county of Shelby.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That C. D. Hathaway, John Ogden, and B. L. Dye, of Shelby county, be and they are hereby appointed commissioners to lay out and establish a free turnpike road in the county of Shelby, beginning at the Main street, in the town of Port Jefferson, where the county road leading from said town southeast to the state road running from Sidney, in Shelby county, to Quincy, in Logan county, intersects said Main street; the aforesaid turnpike to follow the meanderings of said county road, from its commencement on Main street, aforementioned, to where said county road intersects the state road above referred to, on the south line of Thomas Wilkinson's land, in Perry township, Shelby county; which shall be constructed, repaired and preserved in the manner pointed out in this act.

SEC. 2. That said commissioners shall have power to appoint a superintendent or superintendents, and such other agents as they may deem necessary to carry into effect the provisions of this act; a majority of said commissioners shall be a quorum, having power to transact any business and exercise any powers devolving upon or intrusted to them by this act; and they shall keep a record of their proceedings, which shall at all times be open for inspection by any person interested, desiring to inspect the same.

SEC. 3. The commissioners shall have power to receive subscriptions and donations, in money or property, real or personal, which shall be applied to the construction of said road; they may make contracts for constructing the same in a solid and durable manner, and keeping the same in repair; and they shall have power to purchase and procure all the necessary implements and fixtures to preserve said road in repair.

SEC. 4. The said commissioners shall meet on the first Monday in May, or within ten days thereafter, and organize by choosing one of their number president of said board; they shall then take measures to view, locate, and establish said road, and of all such locations they shall file a copy with the auditor of the county; provided that before any commissioner shall enter upon the duties of his office he shall give bond for the faithful performance of his duties, in such sum and with such security as the commissioners of Shelby county may think proper, and also take an oath faithfully and honestly to discharge his duties as required by law.

SEC. 5. The taxes levied for road purposes, on all property within two miles of said road, on each side thereof, shall be applied to the construction and repair thereof; and all persons owing such taxes, who may wish to discharge the same in labor, shall apply such labor under the direction of said commissioners, or their agents appointed for that purpose, at the rate of seventy five cents per day.

SEC. 6. So much of the taxes appropriated by this act, as shall be paid into the county treasury of the county, shall be computed by the county auditor, and paid over to said commissioners, or their agents; and all taxes so computed by the county auditor, shall be expended on said road by said commissioners or their agents, when collected.

Sec. 7. It shall be the duty of the county auditor, in computing the portion of road tax that may have accrued within the aforesaid limits on each side of said road, to embrace all tracts of land not exceeding eighty acres, of which at least one half lies within said limits; and for all duties performed by them under this act, they shall be allowed the same fees allowed by law for similar services in other cases, to be audited by the county commissioners, and paid out of the county treasury of the county, on the order of the county auditor.

Sec. 8. The commissioners shall have power to receive donations of land to aid in the construction of said road, and to sell and convey the same in fee simple, and they shall expend the money in their hands only on such parts of the road as shall be permanently located and established.

Sec. 9. The said commissioners and their successors shall be a corporation by the name and style of the Fort Jefferson Free Turnpike Road, for the purpose of carrying into effect the provisions of this act; and it shall be their duty to prosecute for all obstructions to said road, or for injuries done to the same, or the bridges thereon; and the form of such prosecutions shall be in the action of debt, and the amount recoverable in each case shall be the amount of damages actually found by the court or jury, with ten per centum thereon; and in all cases the said commissioners shall have a right to sue either before a justice of the peace, or in the court of common pleas of the county, which suits shall be appealable as in other cases, and the amount so collected in each case shall be for the benefit of said road, and shall be paid over to said commissioners.

Sec. 10. The said commissioners shall annually, in the Month of January, make a full settlement of their receipts and expenditures under this act, and deposit a copy thereof in the auditor's office of the county of Shelby.

Sec. 11. The supervisor of any road district through which said road may pass, shall be and is hereby authorized to appropriate any portion of the two days labor within his district, which he may deem expedient, to the construction, preservation and repair of said road, and the same shall be applied under the direction of said trustees or their agent or agents.

Sec. 12. The commissioners of said road shall be allowed their reasonable expenses when engaged on the business of said road, and no more; and when any vacancy shall happen in said board, by death, resignation, or otherwise, the commissioners of the county, on being notified thereof, shall fill the same as often as any vacancy occurs.

Sec. 13. That whenever the provisions of this act shall conflict with the funds or labor of any free turnpike road heretofore laid out, the county auditor shall make an equitable division of the funds and labor.

Sec. 14. This act to take effect and be in force from and after its passage, for the term of five years.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 1, 1845.

AN ACT

To incorporate the New England Society, of Cincinnati.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That,* whereas, it is a useful and praiseworthy object to cherish the memory of virtuous ancestors; and, whereas, Henry Starr, Nathaniel Sawyer, Bellamy Storer, Ephraim Robbins, L. E. Brewster, Salmon P. Chase, R. D. Mussey, Nathan Sampson, Edward D. Mansfield, Lyman Beecher, Henry Crane, Edmund Gage, Calvin E. Stowe, M. Flagg, Alphonzo Taft, Ira Athearn, T. Woodruff, D. K. Cady, Jonathan Bates, Timothy S. Goodman, Caleb Bates, and Charles Fisher, and others, regard the early settlers of New England as entitled to the respect and veneration of the present generation of mankind, and especially of their descendants, and have, for the purpose of perpetuating the memory of said early settlers, and of extending charity to the needy of New England birth or descent, their widows and orphans, and of promoting virtue, knowledge, and all useful learning, associated themselves together under the name of the New England Society, of Cincinnati, and have formed for themselves a constitution; now, therefore, the said persons above named, and their associates and successors are hereby created a body corporate and politic, under the name and style aforesaid, and are hereby made capable under that name, of contracting and being contracted with, suing and being sued, of pleading and being impleaded, of answering and being answered, in all courts and places, with full power to acquire, hold, and enjoy such property, real and personal, as they may deem necessary and proper to promote the object of said corporation, and to use a corporate seal, and to alter the same at pleasure.— They shall have power to amend and alter their constitution aforesaid, or form a new one, and enact bylaws for their government, to make all necessary regulations for managing their fiscal concerns, and appointing officers, and may do such other acts as may be necessary to effect the objects of their incorporation; provided, however, that said constitution, bylaws and regulations shall be consistent with the constitution and laws of the United States and of this state.

SEC. 2. No part of the funds of said society shall at any time be employed in banking, nor shall said society issue certificates of deposit or draft on the treasury of said corporation, which can in any manner be used as a circulating medium; and no part of the funds of said corporation, or the income therefrom, shall ever, during the continuance thereof, be divided, or go to the members or stockholders, as capital or profits thereon; but the funds that may be received, and the income therefrom, shall be devoted to the purposes of the association aforesaid.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.

DAVID CHAMBERS,
Speaker of the Senate.

March 1, 1845.

SEC. 8. The trustees of said road shall be allowed seventy five cents per day, when engaged on the business of said road, and no more; and when any vacancy shall happen in said board by death, resignation or otherwise, the commissioners of the county, on being notified thereof, shall fill the same as often as it may occur.

SEC. 9. That the county auditors of the counties through which said road passes, shall make out a list of all persons charged with road tax, to be applied on said road, and forward the same to the trustee or trustees named in this act, within his county, at such time as is usual to provide township clerks with abstracts of road tax.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS.

Speaker of the Senate.

February 28, 1845.

AN ACT

To lay out and establish a Free Turnpike Road from the town of Fairhaven, in the county of Gallia, to the town of Jackson, in the county of Jackson.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Robert Black, John R. McCormick, and Nehemiah Atwood, of the county of Gallia, and James H. C. Miller and Daniel Hoffman, of the county of Jackson, be and they are hereby appointed commissioners to lay out and establish a free turnpike road, commencing at Fairhaven, in the county of Gallia, thence the nearest and best way, making Gallipolis and Nehemiah Atwood's hotel, in Gallia county, and James Lackey's hotel, in Jackson county, points thereon, to the town of Jackson, in Jackson county; which road shall be constructed, repaired, and preserved in the manner pointed out in this act.

SEC. 2. That said commissioners shall have power to appoint superintendents, or such other agents as they may deem necessary to carry into effect the provisions of this act; a majority of said commissioners shall have power to transact any business, and exercise any powers devolving on them, or intrusted to them, by this act; and they shall keep a record of their proceedings, which shall at all times be open to inspection by any person desiring to inspect the same.

SEC. 3. That said commissioners shall meet on the first Monday of April, one thousand eight hundred and forty five, or within sixty days thereafter, and organize, by choosing one of their number president of the board, and they shall then take measures to view, locate and establish said road, and of all such locations, they shall file a copy with the auditor of each county, through any part of which said road may pass; provided that every commissioner appointed under the provisions of this act shall, before entering upon the duties of his office, give bond in such sum and

with such security as the commissioners of any county through which said road may pass, and to whom such bond shall be presented for approval, may think proper, and also take an oath faithfully and honestly to discharge the duties of his office.

SEC. 4. The commissioners shall have power to receive subscriptions or donations in money, or property, real or personal, which shall be applied to the construction of said road; they may make contracts for constructing the same in a solid and durable manner, and for keeping the same in repair; they may open and finish said road in the first instance along such portions of the line thereof, as will soonest render the whole line thereof available for travel or transportation; and they shall have power to purchase and procure all the necessary implements and fixtures to preserve said road in repair.

SEC. 5. The taxes levied for road purposes, on all property within one mile of said road on each side thereof, shall be applied to the construction and repair thereof; and all persons owing such taxes, who may wish to discharge the same by labor, shall apply such labor under the direction of said commissioners, or their agents appointed for that purpose.

SEC. 6. So much of the taxes appropriated by this act, as shall be paid into the county treasuries, shall be computed by the county auditor of the respective counties through which said road, or any part thereof, may pass, as accurately as may be, and paid to said commissioners or their agent, and all taxes so computed by the county auditors, shall be expended on said road in the county where collected.

SEC. 7. It shall be the duty of the county auditors of the respective counties through which said road, or any part thereof, may pass, in computing the portion of the road taxes, that may have accrued within the aforesaid limits, on each side of said road, to embrace the whole of any tract of land not exceeding eighty acres, of which any part shall be within said limits; and for all duties performed by said county auditors under this act, they shall be allowed the same fees as are allowed by law for similar services in other cases, to be audited by the county commissioners, and paid out of the county funds.

SEC. 8. The commissioners shall have power to receive donations of land to aid in the construction of said road, and to convey the same in fee simple; they may take releases of the right of way, and they shall expend the money in their hands only on such parts of said road as shall have been permanently located and established.

SEC. 9. The said commissioners and their successors shall be a corporation by the name and style of the Gallia and Jackson Free Turnpike Road, for the purpose of carrying into effect the provisions of this act; and it shall be their duty to prosecute for all obstructions of said road, or for injuries done to the same, or the bridges thereon; and the form of such prosecutions shall be in the action of debt; and the amount recoverable in each case shall be the amount of damages actually found by the court or jury, with ten per centum thereon; and in all such cases, the said commissioners shall have a right to sue either before a justice of the peace, or in the court of common pleas of the proper county, which suits shall be appealable as in other cases; and the amounts collected in each case shall be

for the benefit of said road, and shall be paid to said commissioners or their agents.

SEC. 10. The said commissioners shall annually, in the month of January of each and every year, make a full settlement of their receipts and expenditures under this act, and publish an account thereof, in some newspaper having general circulation along the line of said road, and shall also deposit a copy thereof in the auditor's office, in each county through which said road, or any part thereof, may pass.

SEC. 11. The supervisor of any road district through which said road may pass, shall be and hereby is authorized to appropriate any portion of the two days labor within his district, which he may deem expedient, to the construction, preservation and repair of said road; and the same shall be applied under the direction of said commissioners or their agents.

SEC. 12. The commissioners of said road shall be allowed their actual personal expenses when engaged in the business of said road, and no more; and when any vacancy shall happen in said board, by death, resignation or otherwise, the commissioners of the county, in which such vacancy shall happen, shall fill the same as often as it may occur; and the said commissioners and their successors shall each give bond in such amount as shall be fixed by the county auditor of their respective counties, with security to be approved by such county auditor, for the faithful discharge of the duties of their office, and the paying over and expending all the moneys that may come into their hands by virtue of their office.

SEC. 13. The expenses of surveying and locating, and other expenses incidental to the construction, preservation, superintendence and repair of said road, shall be paid out of the funds appropriated by this act to the construction, preservation and repair of the same.

SEC. 14. All claims for damages arising out of the location of said road, shall be settled in the manner prescribed by the act for opening and regulating roads and highways; and all damages assessed for injury to property, shall be paid out of the county treasury, if, in the opinion of the county commissioners, the benefit resulting from the establishment of said road, will be equal to the amount of damages assessed.

SEC. 15. This act shall take effect and be in force from and after its passage.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 28, 1845.

AN ACT

To amend the act entitled an act to lay out and establish a Free Turnpike Road, from Bellefontaine, in the county of Logan, to the Indiana state line.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of the county of Vanwert, shall, at their next March session, appoint one superintendent in each of the townships through which said Bellefontaine, Lima and Vanwert Free Turnpike Road passes, in the county of Vanwert; aforesaid, who shall discharge all the duties heretofore discharged by the commissioners of said road, they shall expend all moneys that may come into the county treasury by the act to which this is an amendment; that when money shall come into the county treasury, they shall give notice by advertising along said road, in the most public places in the vicinity, where work is to be done, appointing a day for sale of contracts to the lowest responsible bidder, and when the contract shall have been completed according to the tenor thereof, such superintendent shall give an order on the county treasurer, certifying that such labor has been performed, and it shall be the duty of said treasurer to pay such money on said order.

SEC. 2. Said superintendents shall serve during the discretion of said county commissioners, and shall receive seventy five cents per day, while actually employed in the improvements of said road.

SEC. 3. That all persons owing road tax on said road, and wishing to discharge the same in labor, shall do it under the direction of the superintendents provided for in this act, and any supervisor who may wish to apply any portion of the two days labor on said road, shall do it under the direction of the superintendent of his township.

SEC. 4. That it shall be the duty of the county commissioners of Vanwert county, to settle with Joseph Gleason, former commissioner on said road, and if any balance is found due said Gleason, or any other person, the same shall be paid out of the county treasury of Vanwert county, upon the order of the auditor thereof, provided that the several sums audited and allowed shall not exceed the just proportion of expenses for laying out and establishing said road.

SEC. 5. The provisions of this act shall extend to all free turnpike roads heretofore and hereafter laid out and established in the county of Vanwert.

SEC. 6. That so much of the act to which this is an amendment, as conflicts with this act, is hereby repealed.

SEC. 7. That all money paid into the county treasury under the provisions of this act, shall be expended in the township where collected, and said superintendent shall make an annual settlement with the county commissioners of Vanwert county.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS.
Speaker of the Senate.

February 28, 1845.

ent south line of Williams county; thence west on said Williams county line to the Indiana state line; thence north on the Indiana state line to the place of beginning.

SEC. 2. The seat of justice within and for said county of Defiance shall be and is hereby fixed, and permanently established, at the town of Defiance.

SEC. 3. That all suits, whether of a civil or criminal nature, which shall be pending within those parts of the counties of Williams, Henry and Paulding, so set off, and erected into a new county, previous to the first Monday of April, one thousand eight hundred and forty five, shall be prosecuted to final judgment and execution within the counties of Williams, Henry and Paulding, respectively, in the same manner as though the said county of Defiance had not been erected; and the officers of said counties, respectively, shall execute all such process as shall be necessary to carry into effect such suits, prosecutions and judgments; and the collectors of taxes, for the said counties, respectively, shall collect all taxes that shall be levied and unpaid, within the aforesaid portions of their respective counties, at the time of the passage of this act.

SEC. 4. That all justices of the peace, and other township officers, within those parts of the counties of Williams, Henry, and Paulding, which by this act are erected into the county of Defiance, shall continue to exercise the functions, and discharge the duties of their respective offices, until their time of service shall expire, and until their successors shall be elected and qualified, in the same manner as if they had been elected or commissioned for the county of Defiance; and all writs and other legal process within the territory hereby erected into the county of Defiance shall be styled as of the county of Defiance, on and after the first Monday of April, one thousand eight hundred and forty five.

SEC. 5. That the commissioners of Paulding county shall have power, immediately upon the passage of this act, to attach the south half of Auglaize township to any adjacent township in such county, or to organize said half township into a separate township, and to add any adjacent territory to the same, if they shall deem it expedient, just and proper to do so; which power shall extend to the commissioners of the county of Defiance, for the purpose of disposing of the north half of Auglaize township.

SEC. 6. That the associate judges of Defiance county shall have power to appoint a time for the holding of an election to fill such county offices, in said county, as they shall deem necessary, which election shall be notified and conducted in the manner prescribed in the act to regulate elections; and the county officers, so elected, shall hold their offices until the next annual election, and until their successors are elected and qualified.

SEC. 7. That such part of the territory of Williams county, as is by this act included in the county of Defiance, shall stand charged and be liable to said county of Williams, for the debts of said Williams county, in the proportion the total valuation of the taxable property as charged upon the tax duplicate of said county, at the time of the passage of this act, in said territory, so included in Defiance county bears to the valuation of the taxable property left in said Williams county; provided said territory shall not be liable for the payment of any portion of said debt of Williams county that has been contracted, or incurred, by the removal, loca-

tion, or establishment of the seat of justice of said Williams county at Bryan, or by the erection, or preparation to erect public buildings at Bryan.

SEC. 8. That for the purpose of ascertaining the just and true amount of said debt, chargeable in the manner specified in the preceding section, upon said territory taken from Williams county, the county auditor of Williams county is hereby required to furnish the county commissioners of the county of Defiance a full and true statement of the aggregate debt of Williams county, specifying the time when, the manner in which, and the object for which said debt was contracted or incurred; also, a statement of the amount of taxes of said territory which have been used or appropriated to the expenses of removal or establishment of the seat of justice at Bryan, or in the erection of, or preparation to erect, public buildings, and also a statement of the total valuation of the taxable property of said territory so taken from Williams county, and of that remaining in Williams county, respectively, which statement the said auditor shall furnish said commissioners on or before the first Monday of August next, verified by his oath, and the county commissioners of said county of Defiance, upon the receipt of the said statements, and upon being satisfied of their correctness, are hereby authorized, from year to year, to levy upon the taxable property within said territory, so taken from Williams county, such taxes as may be necessary for the payment of the indebtedness of said territory, so ascertained, and in anticipation of the said payment to issue orders upon the treasurer of the county of Defiance, payable with interest, to the order of the commissioners of Williams county, within ten years from the passage of this act, to the full amount of such proportion of said debt.

SEC. 9. The territory, by this act, taken from Henry and Paulding counties, and included in said county of Defiance, shall stand charged, and be liable to the respective counties from which such territory is taken, for the debts of said counties, in the same proportion, upon the same terms, and under the same provisions as by the seventh section of this act the territory taken from Williams county is made liable to said Williams county, and the same regulations and provisions provided in the eighth section of this act, for ascertaining and liquidating the proportion of the debts of said Williams county, charged upon the territory taken from said county, shall extend and apply with equal force and effect to the counties, and county offices, respectively, of Henry and Paulding counties.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 4, 1845.

AN ACT

To amend the act to incorporate the First Presbyterian Church, in Clarksfield, Huron County.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the First Presbyterian Church, in Clarksfield, in Huron county, incorporated by the act to which this is an amendment, shall hereafter be known and designated by the name of the First Congregational Church, of Clarksfield, in Huron county, and by that name said corporation may hold all the property, real or personal, which it has heretofore, or which it may hereafter acquire, and may enjoy all the franchise, rights and privileges granted by the act to which this is an amendment.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate

March 4, 1845.

AN ACT

To incorporate the Dayton Manufacturing Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Daniel Beckel, Alexander Grimes, Valentine Winters, Peter Odlin, Frederick Gebhart, Henry Herman, and William Giddings, with such other persons as may be associated with them, for the purposes hereinafter specified, and their successors, be and they are hereby constituted a body corporate and politic, with perpetual succession, by the name and style of the Dayton Manufacturing Company, and, as such, shall be capable of suing and being sued, answering and being answered unto, in all courts of justice and elsewhere; and also may have and use a common seal, and the same break, alter, or renew at pleasure.

SEC. 2. That the capital stock of said company shall consist of not more than two hundred thousand dollars, and shall be divided into shares of one hundred dollars each, which shall be subscribed and paid for under such regulations as the aforesaid corporators may prescribe, who are hereby vested with all the powers and privileges necessary to carry into effect the objects of said association, and manage its affairs until directors be elected.

SEC. 3. That so soon as twenty thousand dollars of the capital stock shall have been subscribed, the stockholders, holding a majority of the stock of said company, shall have power to elect a board of not less than three, nor more than five directors, one of whom shall be selected by said directors, president of said company; and that the elections of directors shall be held annually, on the second Monday of January thereafter; and at all elections every share of stock shall entitle the holder thereof to one vote; provided that the directors shall have power to fill vacancies in their board, and that should there be a failure to elect directors, the board holding

office shall be fully empowered to act until their successors are elected.

SEC. 4. That the president and directors of said company shall have power to manage and superintend its affairs, to receive additional subscriptions of stock until the whole shall be subscribed, and to make all bylaws necessary for regulating the concerns of said company, and the transfer of stock, provided such bylaws shall not be inconsistent with the constitution and laws of the United States, or of this state.

SEC. 5. That said company are authorized to manufacture all descriptions of goods from cotton, wool, silk, hemp and flax, together with all kinds of cotton, woollen, and other machinery, millgearing and castings, and to purchase, hold, own, or lease, in their corporate name, such real or personal estate, lands, water-powers and privileges, and to erect thereon, and keep in repair, such buildings, manufacturing establishments, with all such necessary fixtures and appendages as they may deem expedient or necessary for the accommodation and convenience of their business, and such as may be in good faith conveyed to them in payment of debts, or purchased at sales on judgment obtained upon debts due said company; and the same to have, hold, use, grant, sell, convey, or dispose of as individuals might dispose of their private property.

SEC. 6. That the stockholders shall have power to remove the board of directors, or any one of them, at any time, and to elect others in their stead, at a meeting called by any two of the stockholders of said company, provided that a majority of the whole stock is represented and in favor of said removal.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 4, 1845.

AN ACT

To repeal the act entitled "An act to repeal the charter of the town of Findlay," passed March thirteenth, one thousand eight hundred and forty three, and to declare in force the act incorporating said town, passed March seventeenth, one thousand eight hundred and thirty eight.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the act entitled "an act to repeal the charter of the town of Findlay," passed March thirteenth, one thousand eight hundred and forty three, be and the same is hereby repealed, and the act entitled "an act to incorporate the town of Findlay, in Hancock county," passed March seventeenth, one thousand eight hundred and [thirty eight,] is hereby revived and declared in force.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 4, 1845.

AN ACT

To alter the line between the counties of Franklin and Madison.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the line between the counties of Franklin and Madison, be altered or changed as follows: commencing at the northwest corner of Pleasant township, in the county of Franklin, from thence the line shall be so altered as to run an easterly course, on the north line of said township, to the center of Big Darby Creek, and from thence it shall follow the meanders of said creek to a point in Canaan township, in Madison county, to a point due west of the angle in the line between the two counties, which angle forms the northwest corner of Brown township, in Franklin county, thence due east to the present county line, at said angle.

SEC. 2. That for the purpose of carrying the foregoing provisions into effect, Joseph Chenoweth, of the county of Franklin, John Hunter and Joshua Foster, of the county of Madison, with the county surveyor of Franklin and Madison counties, are hereby appointed commissioners, whose duty it shall be to meet on the first Monday of June next, at or near the corner of Pleasant township, as before described, and proceed to survey and mark the line between the counties of Franklin and Madison, according to the provisions of the first section of this act, from the corner of said Pleasant township, to the point where the line established by this act intersects the present line between said counties at the northwest corner of Brown township, and also to survey and mark the line agreeably to existing laws from the said intersection to the south line of Union county, except where it follows the meanders of the creek, and make return thereof to the county auditors of the counties of Franklin and Madison, within thirty days after such survey.

SEC. 3. If the aforesaid commissioners shall fail to meet at the time and place aforesaid, according to the provisions of the second section of this act, it shall be lawful for them to meet at such other time within the present year, as a majority of said commissioners may agree, after having given notice to all the commissioners of the time and place of such meeting, and after so met proceed to survey said line as before described; and the said commissioners shall be entitled to receive two dollars per day for their services, to be paid out of the county treasury of their respective counties.

SEC. 4. In case a vacancy shall occur in said board of commissioners, by death, removal or otherwise, the governor is hereby authorized to fill such vacancy.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 4, 1845.

AN ACT

To incorporate the Greenville and Euphemia Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That* Russell Evans, Peter Fleck, James Hanway, Evan Becker, Evick Matchett, Judson Jaque, Abraham Studabaker, Hiram M'Nutt, John Colwell, Thomas Kearns, John Wharry, Henry Arnold, and their associates, be and they are hereby created a body corporate, under the name of the Euphemia and Greenville Turnpike Road Company, for the purpose of constructing a turnpike road from Euphemia to Greenville, commencing at some suitable point in the town of Greenville, thence on the best and most practicable route to the town of Euphemia; which company shall have all the rights, privileges and powers, and be subject to all the restrictions defined in the act to provide for the regulation of turnpike companies, passed January seventh, one thousand eight hundred and seventeen, and the several acts amendatory thereto, except in so far as the same may be modified or changed by the special provisions of this act.

SEC. 2. The capital stock of said company may be sixty thousand dollars, divided into shares of twenty five dollars each.

SEC. 3. The above named commissioners, or a majority of them, shall meet at Greenville, at such time as they shall think fit, and proceed to organize said company, and to take order for the opening of books for the subscription of stock, agreeably to the second section of the said act to provide for the regulation of turnpike companies.

SEC. 4. That as soon as one hundred shares shall be subscribed, the above named commissioners shall call a meeting of the stockholders in the manner prescribed in the third section of the act to provide for the regulation of turnpike companies, for the election of five directors for the government of said company.

SEC. 5. That said company be and they are hereby authorized to demand and receive from persons traveling said road, the following tolls for every ten miles travel on said road, and in the same proportion for a less distance, to wit:

For every four wheeled carriage, drawn by two horses or oxen, fifteen cents; for every horse or ox in addition, five cents;

For every sled or sleigh, drawn by two horses or oxen, ten cents; and for every horse or ox in addition, five cents;

For every horse and rider, five cents;

For every horse, mule or ass, six months old or upwards, led or driven, three cents;

For every head of neat cattle, six months old or upwards, one cent;

For every head of sheep or hogs, one half cent;

For every four wheeled pleasure carriage, drawn by two horses, thirty cents; for every horse in addition, five cents;

For every two wheeled pleasure conveyance, drawn by one horse, ten cents;

For every four wheeled pleasure carriage, drawn by two horses, twenty cents;

For every cart drawn by one horse or two oxen, ten cents; for every horse or ox in addition, five cents.

SEC. 6. That whenever five continuous miles of said road are completed according to the provisions of the said act for the regulation of turnpike companies, the aforesaid company may erect a gate, and receive tolls from persons traveling said road, at the above specified rates; provided that such persons shall be exempt from paying tolls as are exempted in the eleventh section of the aforesaid act, for the regulation of turnpike companies, saving only persons conveying public mails of the United States, which last mentioned persons shall not pass free as in the said act provided.

SEC. 7. That said company, and the corporators thereof, shall be subject to the provisions of all acts now in force, or which may be hereafter enacted for the purpose of governing and regulating turnpike companies generally, in this state, and also an act instituting proceedings against corporations not possessing banking powers, and the visitorial powers of courts, and to provide for the regulation of corporations generally, passed March seventh, one thousand eight hundred and forty two.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 4, 1845.

AN ACT

To incorporate the East Bronson Burial Ground Society.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Alexander M'Pherson, Thomas Lawrence, David Vail, Ira Porter, and their associates and successors, are hereby declared a body corporate and politic, by the name of the East Bronson Burial Ground Society, and, as such, shall be capable in law of suing and being sued, pleading and being impleaded in any action or suit, in any court having competent jurisdiction, to contract and be contracted with, to form such constitution and enact such bylaws as shall not be inconsistent with the constitution and laws of the United States or of this state, to purchase and possess such real and personal estate as shall not exceed in value the sum of five hundred dollars; provided that said company shall be subject to all the regulations, restrictions and liabilities of "an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally," passed March seventh, one thousand eight hundred and forty two.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 4, 1845.

AN ACT

To authorize the trustees of the township of Brooklyn, in Cuyahoga county, to erect a Poorhouse.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the township of Brooklyn, in the county of Cuyahoga, with the assent of the qualified voters of said township, be and they are hereby authorized to purchase and hold for the benefit of said township, a tract of land in said township, not exceeding two hundred acres, and to erect and keep in repair thereon, suitable buildings and fixtures for all the purposes of a poorhouse, for the support of all poor persons required by law to be supported by said township.

SEC. 2. That the said trustees, in issuing their warrant to a constable, to notify the electors of said township of the time and place of the next annual meeting of said township, shall insert in said warrant, that at such meeting will be submitted the subject of purchasing a lot of land and erecting a poorhouse thereon, for the purposes aforesaid, and at such meeting it shall be lawful for the qualified voters to indorse on their tickets, poorhouse, or no poorhouse; and if, on counting the votes, it shall appear there are more votes indorsed 'poorhouse,' than 'no poorhouse,' the qualified voters shall be held to have given the assent required by the first section of this act.

SEC. 3. That in order to provide the means of paying for said land and the expense of erecting said building, the said trustees are hereby authorized to levy a tax annually, until the purchase money of said land and said expense are fully paid, on each dollar of the valuation of the taxable property in said township, not exceeding three mills on the dollar, in addition to the taxes now authorized by law, to be levied by said trustees for township purposes, to be certified and collected in the same manner as other taxes for township purposes.

SEC. 4. That such poorhouse, and the land purchased for the erection of the same, shall be subject to the general management and control of said trustees, who shall have power, from time to time, to appoint and employ some suitable person to superintend and take care of the same, and to take charge of the business of keeping the poor therein; and said trustees shall also have power to order all poor persons, for whose support said township shall be liable and requiring such support, when their health and condition will permit, to be taken to such poorhouse, and there to remain so long as such support shall be required of said township; and while thus supported, to perform such reasonable and moderate labor as may be suited to their respective ages and bodily strength, the avails of which labor shall belong to said township, and be appropriated exclusively to the making of repairs and improvements on said land and poorhouse, and the support of the poor of said township.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 4, 1845.

AN ACT

To amend the act entitled "An act to authorize Levi Whipple and others to erect a Tollbridge over the Muskingum River," and the act entitled "an act to authorize Moses Dillon and his associates to erect a Tollbridge over the Muskingum River."

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the present owners of the bridge, called the Zanesville and Putnam Bridge, erected over the Muskingum river, by Levi Whipple, and his associates, in pursuance of the act entitled "an act to authorize Levi Whipple and others to erect a Tollbridge over the Muskingum river," passed January twenty first, one thousand eight hundred and twelve, their successors, assigns and legal representatives, and the present owners of the bridge called the Muskingum and Licking Bridge, erected by Moses Dillon and his associates, in pursuance of the act entitled "an act to authorize Moses Dillon and his associates, to erect a Tollbridge over the Muskingum river," also passed January twenty first, one thousand eight hundred and twelve, and their successors, assigns, and legal representatives, may demand and receive from all persons passing their respective bridges, tolls at the following rates, to wit:

Foot passengers, two cents; horse and rider, five cents; gig, buggy, or other pleasure carriage, drawn by one horse, ten cents; gig, buggy or other pleasure carriage, with one seat, drawn by two horses, fifteen cents; barouche or coach, drawn by two horses, twenty five cents; family carriage not above described, twenty cents; passenger coach or other stage, drawn by four horses, fifty cents; passenger coach or other stage, drawn by two horses, thirty one and one fourth cents; wagon drawn by two horses, mules, or oxen, twenty five cents; each horse, mule or ox, in addition thereto, except road wagons, three cents; road wagon, drawn by four horses, forty cents; and each horse in addition thereto, five cents; sleigh or sled, drawn by one horse, ten cents; sled or sleigh drawn by two horses, mules or oxen, fifteen cents; each horse, mule or ass, one year old or upwards, three cents; each horse, mule or ass, under one year old, except sucking colts, one and a half cents; neat cattle over one year old, two cents; neat cattle under one year old, sheep and hogs, half a cent; wagon, cart or dray, drawn by one horse, ten cents; cart or dray, drawn by two horses, fifteen cents; provided, always, that all persons attending elections, and troops of this state, with their artillery, baggage and stores, together with all such others as are, or hereafter may be exempted from the payment of ferriages within this state, may pass over said bridges, free from the tolls aforesaid.

SEC. 2. That in consideration that the rates of toll, prescribed by the preceding section, shall remain unaltered for the period of seven years, from the first day of December next, the owners of said bridges have respectively consented, and agreed that, for said period of seven years, all persons passing to or from the town of Zanesville, Putnam, South Zanesville, and West Zanesville, with wagons, sleds, carts or other vehicles, or on horseback, loaded with the ordinary productions or raw materials of the country, or the manufactures of either of said towns, transported abroad by the manufacturers thereof, or which may be conveyed for sale in the markets of either of said towns, such persons shall pass said bridges, respectively, at one half the rates of toll specified in the preceding section,

and also, that when the trip across and returning is made on the same day by a person on horseback, or in any of the pleasure or family carriages, mentioned in the preceding section, such person shall be required to pay for such trip only, the sums following, to wit: horse and rider, eight cents; gig, buggy, or other pleasure carriage, drawn by one horse, fifteen cents; gig, buggy, or other pleasure carriage, with one seat, drawn by two horses, twenty cents; barouche or coach, drawn by two horses, thirty cents; family carriages not above described, twenty five cents; for every sled drawn by one horse, fifteen cents; and for each additional horse, five cents; and also have consented and agreed, that all persons applying therefor, shall, during the said period of seven years, from the first day of December next, have the privilege of compounding with the said owners, respectively, for passing said bridges, upon the following terms, to wit: for crossing by the year for themselves and families, on foot, at a sum not exceeding one dollar and fifty cents per annum; for passing, by the year, for themselves and families, on foot and on horseback, at a sum not exceeding four dollars per annum; for passing, by the year, for themselves and families, on foot, on horseback, and in pleasure or family carriages, or sleighs, drawn by one horse, at a sum not exceeding six dollars per annum; for passing, by the year, for themselves and families, on foot, on horseback, in pleasure and family carriages or sleighs, drawn by one horse, and in pleasure and family carriages or sleighs, drawn by two horses, at a sum not exceeding eight dollars per annum; all which several sums for compounding, shall, in all cases, be payable half yearly in advance; and have also consented and agreed that all persons going to, and returning from, public worship on the Sabbath, all funeral processions, all children going to, and returning from, school, may pass over said bridges free of toll; and it is therefore, hereby declared, that the rates of toll, as fixed by this act, and the terms of compounding as above specified, shall remain unaltered for the said period of seven years, from the said first day of December next, and thereafter, until otherwise provided.

SEC. 3. That said owners, respectively, their successors, assigns, and legal representatives, shall cause lights to be placed on said bridges, sufficient for the safe passage of the same, from dark until ten o'clock, P. M., and on the nights preceding the regular market days, in the town of Zanesville, the lights shall be continued from dark until daylight in the morning.

SEC. 4. That it shall be the duty of the owners of the said bridges, respectively, to set up, and constantly keep up, exposed to public view, in some conspicuous place near the tollhouse or gate, which may be constructed across said bridges, respectively, a board or canvass, on which shall be printed, painted, or written, in fair and legible characters, the rates of toll herein above established; and, provided also, that if the said owners, respectively, their successors, assigns, and legal representatives, shall collect or demand any greater rates of toll for passing over either of said bridges than such as are herein prescribed and specified, or shall demand any rate of toll of any person or persons by this act exempted from the payment thereof, knowing of such exemption, they shall, respectively, for every such offence, forfeit and pay the sum of fifteen dollars; and for willful neglect to keep up lights, as herein before specified, they shall respectively forfeit and pay the sum of five dollars for every such offence, one moiety

thereof, for the use of the poor, to be divided and appropriated according to the provisions of the act to which this is an amendment, and the other moiety for the use of any person who may sue for the same, before any justice or court having cognizance thereof; provided that no suit or action shall be brought unless within thirty days after such offence shall have been committed.

SEC. 5. That the property, interest, or stock of the said owners in said bridges, respectively, and in all their franchises therewith connected, is, and shall, for all purposes, be deemed personal property.

SEC. 6. That the act entitled an act to amend the act entitled an act to authorize Levi Whipple and others, to erect a tollbridge over the Muskingum river, and an act to authorize Moses Dillon and his associates, to erect a tollbridge over the Muskingum river, passed March fifth, one thousand eight hundred and thirty eight, is hereby repealed.

SEC. 7. This act shall take effect and be in force from and after its passage.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 4, 1845.

AN ACT

To amend an act entitled "An act to incorporate the Maumee and Indiana Turnpike Road Company," passed April 3, 1837.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the further time of one year, from the third day of April, one thousand eight hundred and forty five, be and it is hereby allowed said company to organize themselves.

SEC. 2. That James Wilkinson, Moses D. Hibbard, Isaac Hull, Robert A. Howard, George W. Reynolds, Francis Hallenbeck and Chauncey Matthews, be and they are hereby substituted in lieu of the corporators, named in the first section of the act to which this is an amendment.

SEC. 3. That the said corporators shall, before they proceed to open books for subscription to the capital stock of said company, give at least thirty days notice, in some newspaper, printed in Maumee City and the town of Perrysburg.

SEC. 4. That so much of the act to which this is an amendment, as is inconsistent with the provisions of this act, be and the same is hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 4, 1845.

AN ACT

To establish a Free Turnpike Road in the counties of Allen and Shelby.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That* John Foreman, of Allen county, Davis Loofborrow and Newland Meranda, of Shelby county, be and they are hereby appointed commissioners to lay out and establish a free turnpike road, commencing on the free turnpike road leading from Port Jefferson to Bellefontaine, near George Tobias'; thence on the road now laid out, or as near as may be practicable, to the south end of McCormick's lane; thence in a straight line to a point where the center line of section twenty seven, township seven, south, range seven, east, intersects the north line of McPherson's Reservation; thence north with the said center line, through sections twenty seven, twenty two, fifteen, ten, three, thirty four, and twenty seven, until it intersects the state road leading from Bellefontaine to Lima.

SEC. 2. The commissioners shall meet at Port Jefferson, in the county of Shelby, on the third Monday of April, one thousand eight hundred and forty five, or at any time within two months thereafter, and organize by choosing one of their number president of said board; and they shall then take measures to view, locate and establish said road, and of all such locations they shall cause true copies to be filed in the auditor's office of the proper county.

SEC. 3. That said commissioners and their successors shall be a corporation, by the name of the Port Jefferson and Lima Free Turnpike Road; and in constructing, repairing and preserving said road, they shall be governed by, and entitled to, all the provisions contained in the act entitled "an act to establish a Free Turnpike Road from Sidney, in Shelby county, to Wappakonnetta, in Allen county," passed March seventh, one thousand eight hundred and forty three.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 4, 1845.

AN ACT

To incorporate the Findlay Academical Institute, of the county of Hancock.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That* John Ewing, William Taylor, Frederick Henderson, William L. Henderson, David Patton, Hiram Smith, Edson Goit, Hugh Newel, and Squire Carlin and their associates and successors, be and they are hereby created a body politic and corporate, by the name of the Findlay Academical Institute, by which name shall have power to contract and be contracted with, to sue and be sued, answer and be answered unto, in all courts of law and equity; to acquire, possess and enjoy, sell, convey and dispose of property, real

personal or mixed, and shall possess all the powers and privileges usually incident to similar corporations, provided that its funds, privileges and immunities shall be appropriated exclusively to the purposes of education.

SEC. 2. That the corporate concerns of said academy shall be managed by a board of trustees, consisting of nine members, one of whom shall be elected president of the board, and any five of whom shall constitute a quorum to do business; they shall be elected by the stockholders, on the first Monday of March, annually, and shall hold their office for one year, and until their successors are elected and qualified; the first officers of said board shall be the persons named in the first section of this act, and shall hold their offices until the first Monday in March, one thousand eight hundred and forty six; the election of trustees shall be by ballot, each stockholder being entitled to one vote, either in person or by proxy, for each share by him or her owned; said trustees shall have power to fill all vacancies in their own body by appointment, and the person or persons thus appointed shall continue in office until the next annual election, and until their successors are chosen; and if no election shall be made on the day specified in this section such election may be held on any other day, provided that a notice of the time and place of holding such election, signed by three of the stockholders, be posted up in three public places in said town of Findlay, ten days previous to said election.

SEC. 3. That the capital stock of said corporation shall consist of shares of ten dollars each, to be subscribed for in the manner the trustees shall prescribe, to be paid by such installments as the bylaws may direct, and shall be transferrable on the books of said corporation, in such manner as may be prescribed by the board of trustees; provided that said stock shall not exceed in value fifty thousand dollars.

SEC. 4. That the board of trustees shall have power to appoint subordinate officers and agents, and to establish and enforce all such ordinances, rules, regulations and bylaws as a majority of them shall, from time to time, deem necessary and expedient for the good government and supervision of said academy, its officers and agents, teachers and pupils, and for the management of the property and affairs of said corporation, to the best advantage; provided they shall not contravene the constitution and laws of the United States or of this state.

SEC. 5. That said incorporation shall not contract debts or liabilities beyond the amount of the capital stock of said company actually subscribed.

SEC. 6. That any violation of the provisions of this act, by said corporation, shall operate as a forfeiture of all the privileges and franchises granted by this act.

JOHN M. GALLAGHER.
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 4, 1845.

AN ACT

To authorize the sale of School Section Sixteen, in original surveyed township fourteen, of range fourteen, in the counties of Perry, Morgan and Muskingum.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That School Section number sixteen, in original surveyed township number fourteen, of range number fourteen, in the counties of Perry, Morgan, and Muskingum, be and the same is hereby authorized to be sold, and such sale shall be governed in all things by the provisions of an act entitled "an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto," passed February second, one thousand eight hundred and forty three; provided that said lands shall not be sold for a less sum than five dollars per acre, nor less than its appraised value.

SEC. 2. All the duties required to be performed by the court of common pleas, and the county auditor, under the aforesaid act, shall be performed by the court of common pleas, and county auditor of Perry county.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 4, 1845.

AN ACT

To incorporate the Putnam Union Sunday School Depository, of Muskingum county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That George N. Guthrie, Mathew Gillespie, John Metcalf, and their associates and successors, are hereby created a body corporate and politic, by the name of the Putnam Union Sunday School Depository, and as such are capable of suing and being sued, contracting and being contracted with, pleading and being impleaded, in all courts of law or equity in this state; receiving, holding, or disposing of property, real, personal or mixed, not exceeding two thousand dollars, necessary for the objects of this association, which is hereby declared to be the religious and moral improvement of youth, by the furnishing of libraries, text books, &c.; and said corporation shall be entitled to all the privileges and immunities granted by, and subject to all the restrictions of the act entitled an act to regulate incorporated literary societies, passed March seventh, one thousand eight hundred and thirty nine.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 4, 1845.

AN ACT

To incorporate the Dayton and Little Miami Railroad Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That all persons who shall become stockholders, pursuant to this act, in the company hereby authorized, shall be and are hereby made a body corporate, under the name of the Dayton and Little Miami Railroad Company, and by that name shall be and are hereby made capable to have, purchase, receive, possess and enjoy, real and personal estate, and retain to them, their successors and assigns, all such lands, tenements, and hereditaments as shall be required for their accommodation in the transaction of their business, and the same to dispose of at pleasure; to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts of record, and elsewhere, and also to have a common seal, and to alter and change the same at pleasure; with power to construct and maintain a railroad, with a single or double track, together with all such appendages as they may deem necessary for the convenient use of the same, and for the purpose of conveying freight and passengers, commencing at any eligible point in the city of Dayton, in Montgomery county, thence by the most practicable route to the Little Miami Railroad, intersecting the same at the most eligible point.

SEC. 2. The capital stock of said company shall be two hundred thousand dollars, which shall be divided into shares of fifty dollars each, and be deemed personal property.

SEC. 3. Samuel Forrer, Peter P. Lowe, John W. Van Cleve, Edwin Smith, John Miller, George Owen, Edward W. Davis, Richard Green, Jonathan D. Phillips, Jefferson Patterson, Valentine Winters, Horace Pease, Asa John, and William Dickey, Thomas Brown and Henry Stoddard, of Montgomery county, and John Kiler, Abraham Hivling, John Harner, James Galloway, John C. Murphy, Casper L. Merrick, and Jeremiah Gest, of the county of Greene, and Emor Bailey, James Harris, Charles Montgomery, Moses Kelley, and John M. Hadden, of the county of Warren, shall be commissioners for receiving subscriptions to the capital stock of the corporation, agreeably to the provisions of this act.

SEC. 4. It shall be the duty of said commissioners, within one year from the passage of this act, to give notice for three weeks in succession, in some newspaper printed in Dayton, of the time of opening books for the subscription of said stock; and they shall open books at Dayton, Xenia, Bellbrook and such other places as they may deem fit; at each of which places one or more of said commissioners shall attend on the day fixed, and during the pleasure of said commissioners, but not less than three days successively, shall continue to receive subscriptions to the capital stock of said corporation, from all persons or companies, who will subscribe thereto in conformity with the provisions of this act.

SEC. 5. Each subscriber, at the time he subscribes, shall pay to the commissioners five dollars on each share of the stock subscribed by him.

SEC. 6. If at the expiration of the time mentioned in the fourth section of this act, it shall appear that more than the requisite number of shares have been subscribed, it shall be the duty of the commissioners to distribute

the same among the subscribers, deducting the excess from the largest sums subscribed; and if at the expiration of said time, the amount subscribed shall be less than seventy five thousand dollars, the commissioners shall take further measures to fill the subscriptions to that amount, when the books shall again be closed.

SEC. 7. As soon as may be, after the closing of the books, the commissioners shall give notice of the time and place at which a meeting of the stockholders will be held for the choice of directors; such notice shall be published in one or more newspapers in general circulation along the route of said road; at the time and place appointed for such election, the commissioners, or some of them, shall attend, and the stockholders, or their proxies duly appointed in writing, shall proceed to elect by ballot seven directors; the commissioners present, shall preside at the election, and certify the result in writing, and their certificate, recorded in the books of the corporation, shall be evidence of the election of the directors therein named; all subsequent elections shall be conducted in the manner prescribed by the bylaws of said corporation.

SEC. 8. Each stockholder shall be allowed as many votes as he owns shares of stock at the commencement of any election of directors, and a plurality of votes shall determine the choice; but when two or more persons shall have the same number of votes, then the choice between them shall be determined by lot.

SEC. 9. The directors shall hold their offices for one year, and until their successors are elected and qualified; they shall appoint one of their own number president, and some suitable person as secretary of the corporation; they shall also appoint all such officers and agents as the convenience of the company may require.

SEC. 10. The directors shall have power to cause such examinations and surveys of the route for said railroad to be made as may be necessary to the selection, by them, of the most advantageous line, course or way, for the construction of said road; and the board of directors shall, as soon thereafter as practicable, select the route on which said road shall be constructed.

SEC. 11. The corporation is hereby empowered to purchase, receive and hold such real estate as may be necessary and convenient in accomplishing the object for which the corporation is granted; and may, by their agents, engineers, and surveyors, enter upon such route, place or places selected as aforesaid, by the directors, as the line whereon to construct said railroad; and it shall be lawful for said corporation to enter upon, and take possession of, and use all such lands and real estate, as may be indispensable for the construction and maintenance of said railroad, and the accommodations requisite to and appertaining to them; and may also receive, take and hold all such voluntary grants and donations of land, and real estate as may be made to said corporation, to aid in the construction, maintenance, or accommodation of such road or ways; but all lands or real estate thus entered upon, and used by said corporation, and all earth, timber, gravel and other materials needed by said company, shall be purchased of the owners thereof, at a price to be mutually agreed upon between them; and in case of disagreement of the owner as to the price of any lands or materials so required for said road, or if the owners are under any disability in

law, to contract, or are absent from the county, application may be made, either by said owners, or by said corporation, to any judge of the court of common pleas of the county, within which said lands or materials may be, specifying the lands or materials so required; and, thereupon, said judge may issue his warrant in writing, directed to the sheriff of the county, requiring him to summon three freeholders of the county, who shall not be stockholders, nor interested therein, to appear at, and upon actual view, value said land or materials, on a day named in said warrant, not less than five, nor more than ten days after issuing the same; and if any of the persons do not attend, the said sheriff may forthwith summon as many as may be necessary to fill said inquest; and the persons so impaneled, on their oaths or affirmations, shall value the damages which the several owners will sustain by the use or occupation of the lands, or materials, or property required by said company; and said inquest shall reduce their valuation to writing, and such valuation, when paid, or tendered to said owners, or deposited in any bank to their credit, or that of their proper representatives, shall entitle said company to the materials, use and occupation of said lands for the purposes of said road, and all the estate and interest therein as fully as if it had been conveyed by the owners of the same, and every sheriff and freeholder, so acting, shall receive one dollar per day for his services, to be made by the company; either party may, within ten days after such valuation is made, appeal from the same to the court of common pleas of the county, by giving notice thereof, to the opposite party, or by filing in the clerk's office a copy of such valuation, with a notice thereto attached, and said court may, for good cause shown, order a new valuation, and on final hearing, the court shall award costs according to equity.

SEC. 12. Whenever it shall be necessary for the construction of said railroad, to intersect or cross any stream of water, or watercourse, or any road or highway, lying in or across the route of said road, it shall be lawful for said corporation to construct said railway across, or upon the same; but the corporation shall restore the stream, or natural [water] course, or road or highway, thus intersected, to its former state, or in a sufficient manner not to impair its usefulness; and if said corporation, after having selected a route for said railway, find any obstacle to continuing said location either by the difficulty of construction, or procuring of the right of way at reasonable cost, or whenever a cheaper and better route can be had, it shall have authority to vary the route, and change the location.

SEC. 13. It shall be lawful for the directors to require payment of the sums to be subscribed to the capital stock, at such time, and in such installments, as they shall see fit; and if the installments remain unpaid for sixty days after the time of payment has elapsed, the board may collect the same by suit, or shall have power to sell the stock at public auction, for the installments then due, giving twenty days notice of the time and place of sale, by advertisement in some newspaper in general circulation in the county where such sale is to be made, and after deducting the amount due, as aforesaid, and the costs of said sale, the residue of the price obtained shall be paid over to the former owner.

SEC. 14. That said company may demand and receive for tolls upon and transportation of goods, merchandise, produce or property of any kind whatsoever, transported by them along said railway, any sum not exceeding

the following rates: On all goods, merchandise or property of any description, transported by them, a sum not exceeding one and a half cents per mile for toll, five cents per ton per mile for transportation, and for transportation of passengers, not exceeding three cents per mile, for each passenger; and all persons paying the tolls aforesaid, may, with suitable and proper cars, transport persons and property on said railroad, subject to the rules and regulations of said company, as to the construction and speed of said cars, and the regulation of the motive power.

SEC. 15. That said company, and the Little Miami Railroad Company, are hereby authorized and empowered to make any contract with each other in relation to the construction of said road, or any part thereof, or in relation to the running of cars, and the transportation of persons and property, upon their respective roads, or upon any other subject pertaining to the business of said companies, that their respective boards of directors may deem to be the mutual interest of said companies.

SEC. 16. The directors of said company shall, semiannually, make and declare a dividend of the profits arising from the business of the company, after deducting their present liabilities, and the current and probable contingent expenses, and divide the same among the stockholders, in proportion to the number of their respective shares.

SEC. 17. The eighth section of this act shall not be so construed as to allow any stockholder to have more than one vote for every two shares that said stockholder may own, over ten, and one vote for every five shares that said stockholder may own over twenty.

SEC. 18. If the subscribers to the company hereby created, shall not become so far organized as to elect a board of directors within three years from the passage of this act, and within one year thereafter, make bona fide contracts for the construction of at least one fourth of said road, the privileges of said corporation shall cease, and this act be void; and if said company shall not complete said road within seven years, the further privilege of constructing the same shall also cease and revert to the state.

SEC. 19. If any person or persons shall willfully and maliciously injure the said road, or any building, machine, or other works of said corporation, pertaining thereto, the person or persons so offending shall forfeit and pay to said corporation double the amount of damages sustained by means of such offence, injury, or obstruction, to be recovered in the name of said corporation, with costs of suit, in any court having cognizance thereof; and shall also be subject to indictment in the court of common pleas, in the county where the offence was committed, and, upon conviction thereof, shall be punished by fine not exceeding two hundred dollars, or imprisonment not exceeding thirty days, or both, at the discretion of the court.

SEC. 20. The board of directors shall have power to fill vacancies that may happen in their number, by death, resignation, or otherwise; and it shall take five directors to constitute a quorum to do business.

SEC. 21. No director, engineer, secretary, or treasurer, or other officers of said company, shall be allowed to become a contractor, directly or indirectly, for making or constructing, or for furnishing any materials for said road, or any part thereof; and any contract made by them, or either of them, for constructing, or for furnishing any materials for any part of said road, shall be void and of no effect; and shall moreover, cause a forfeiture

of office to the officer offending against this section, and shall render him or them forever ineligible to election, or appointment as an officer in, or agent of, said company.

SEC. 22. That said incorporation shall not have power to contract debts to an amount greater at any time than their means actually on hand, together with their means which may reasonably be expected to accrue within one year thereafter.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 4, 1845.

AN ACT

To authorize the Commissioners of Montgomery County to borrow money.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Montgomery county, and their successors in office, be and they are hereby authorized to cause to be levied and collected, as other county tax, an additional tax, not exceeding one and a half mills upon each dollar of taxable property entered upon the grand list for taxation in said county, in each year; which said additional tax, when so levied and collected, shall be by said commissioners applied solely to the erection of a court house in and for said county, and for the improvement of the lot upon which said court house shall be erected, or for the purpose of paying off and discharging any debt or liability on the part of said county commissioners, incurred in the purchase of real estate, or materials for the purpose of erecting said court house, and for no other purpose whatever.

SEC. 2. That said county commissioners shall have power and they are authorized to borrow, upon the faith and credit of said county, any sum or sums of money not exceeding in the whole amount, in any one year, greater than twice the amount of the taxes in this act authorized to be levied; nor shall the amount thus authorized to be borrowed ever exceed the amount of two years taxes, authorized by this act within any one year; nor shall said commissioners pay more than seven per centum per annum as interest upon any loan authorized by this act, which said loan shall be exempt from taxation; provided that the whole amount authorized to be levied, collected, and borrowed, as aforesaid, shall not exceed the sum of twenty five thousand dollars, to be solely applied to the purpose aforesaid.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 28, 1845.

AN ACT

To lay out and establish a Free Turnpike Road from Kenton, in Hardin county, to a point intersecting the Bellefontaine, Lima, and Vanwert Free Turnpike Road, at the farm of James McGinis.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That George Johns, Daniel Campbell, and James McGinis, be and they are hereby appointed commissioners to lay out and establish a free turnpike road, beginning at the town of Kenton, in Hardin county, and running from thence west, on the present state road, known by the name of the Roundhead road, to a point where said road intersects the Bellefontaine, Lima and Vanwert Free Turnpike, which shall be constructed, repaired and preserved in the manner pointed out in this act.

SEC. 2. That said commissioners shall have power to appoint a superintendent or superintendents, and such other agents as they may deem necessary to carry into effect the provisions of this act; a majority of said commissioners shall be a quorum, having power to transact any business and exercise any powers devolving upon or intrusted to them by this act; and they shall keep a record of their proceedings, which shall at all times be open for inspection by any person interested, desiring to inspect the same.

SEC. 3. The commissioners shall have power to receive subscriptions and donations, in money or property, real or personal, which shall be applied to the construction of said road; they may make contracts for constructing the same in a solid and durable manner, and keeping the same in repair; and they shall have power to purchase and procure all the necessary implements and fixtures to preserve said road in repair.

SEC. 4. The said commissioners shall meet on the first Monday in April next, or within ten days thereafter, and organize by choosing one of their number president of said board; they shall then take measures to view, locate and establish said road, and of all such locations they shall file a copy with the auditor of the county; provided that the commissioners, before entering upon their duties, shall severally give bond in such sum and with such security as the county commissioners of any county through which such road may pass, and to whom such bond shall be presented for approval, shall think necessary, and shall, moreover, each take an oath faithfully and honestly to discharge the duties required of him.

SEC. 5. The taxes levied for road purposes, on all property within two miles of said road, on each side thereof, shall be applied to the construction and repair thereof; and all persons owing such taxes, who may wish to discharge the same in labor, shall apply such labor under the direction of said commissioners, or their agents appointed for that purpose, at the rate of seventy five cents per day.

SEC. 6. So much of the taxes appropriated by this act, as shall be paid into the county treasury of the county, shall be computed by the county auditor, and paid over to said commissioners, or their agents; and all taxes so computed by the county auditor shall be expended on said road by said commissioners or their agents, in the county where the same is collected.

SEC. 7. It shall be the duty of the county auditor, in computing the portion of road tax that may have accrued within the aforesaid limits on

each side of said road, to embrace all tracts of land not exceeding eighty acres, at least one half of which lies within said limits; and of any larger tract, no more than lies within the limits aforesaid; and for all duties performed by them under this act they shall be allowed the same fees allowed by law for similar services in other cases, to be audited by the county commissioners, and paid out of the funds applicable to said road, on the order of the county auditor.

SEC. 8. The commissioners shall have power to receive donations of land to aid in the construction of said road, and to sell and convey the same in fee simple, and they shall expend the money in their hands only on such parts of the road as shall be permanently located and established.

SEC. 9. The said commissioners and their successors shall be a corporation by the name and style of the Kenton and McGinis Free Turnpike Road, for the purpose of carrying into effect the provisions of this act; and it shall be their duty to prosecute for all obstructions to said road, or for injuries done to the same, or the bridges thereon; and the form of such prosecutions shall be in the action of debt, and the amount recoverable in each case shall be the amount of damages actually found by the court or jury, with ten per centum thereon; and in all cases the said commissioners shall have a right to sue either before a justice of the peace, or in the court of common pleas of the county, which suits shall be appealable as in other cases, and the amount so collected in each case shall be for the benefit of said road, and shall be paid over to said commissioners.

SEC. 10. The said commissioners shall annually, in the Month of January, make a full settlement of their receipts and expenditures under this act, and deposit a copy thereof in the auditor's office of the county of Hardin.

SEC. 11. The supervisor of any road district through which said road may pass, shall be and is hereby authorized to appropriate any portion of the two days labor within his district, which he may deem expedient, to the construction, preservation and repair of said road, and the same shall be applied under the direction of said trustees or their agent or agents.

SEC. 12. The commissioners of said road shall be allowed their reasonable expenses when engaged on the business of said road, and no more; and when any vacancy shall happen in said board, by death, resignation, or otherwise, the commissioners of the county, on being notified thereof, shall fill the same as often as any vacancy occurs.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 4, 1845.

AN ACT

To repeal so much of an act to amend an act entitled "An act to incorporate the North Union School Association, of Carroll county," passed March 15, 1837, as relates to the fifth school district, in Union township, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That so much of the act to amend an act entitled "an act to incorporate the North Union School Association, of Carroll county," passed March fifteenth, one thousand eight hundred and thirty seven, as authorizes said North Union School Association to receive the dividend of all moneys that are or may be appropriated by law, for the use of common schools in district number five, in Union township, in the county of Carroll, be and the same is hereby repealed, provided that nothing in this act shall be so construed as to affect the right to any of the school funds now unexpended, but the same shall be appropriated the same as if this act had not been passed.

SEC. 2. That said North Union School Association may hereafter elect the officers of said association for such period of time as the bylaws of said association shall provide.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 1, 1845.

AN ACT

To lay out and establish a Free Turnpike Road from Martinstown, in the county of Hancock, through Mt. Blanchard, to Careytown, in the county of Wyandott.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Darius Smith and Harvey Bacon, of the county of Hancock, and William Brown, of the county of Wyandott, be and they are hereby appointed commissioners to lay out and establish a free turnpike road, beginning at Martinstown, in Hancock county, thence east to the town of Mount Blanchard, thence east along the south line of Jackson and Amanda townships, to the south line of section thirty four, in Amanda township, in Hancock county, and thence to Careytown, in the county of Wyandott, on the nearest and best route, which shall be constructed, repaired, and preserved in the manner pointed out in this act.

SEC. 2. That the said commissioners shall have power to appoint a superintendent or superintendents, and such other agents as they may deem necessary to carry into effect the provisions of this act; a majority of said commissioners shall be a quorum, having power to transact any business, and exercise any powers devolving upon or intrusted to them by this act; and they shall keep a record of their proceedings, which shall at all times be open for inspection by any person interested, desiring to inspect the same.

SEC. 3. The commissioners shall have power to receive subscriptions and donations in money, or property, real or personal, which shall be applied

to the construction of said road; they may make contracts for constructing the same, in a solid and durable manner, and keeping the same in repair: they may open and finish said road, in the first instance, along such portions of the line thereof as will soonest render the whole line thereof available for travel and transportation; and they shall have power to purchase and procure all the necessary implements and fixtures to preserve said road in repair.

SEC. 4. That said commissioners shall meet on the first Monday of May next, or within six days thereafter, and organize by choosing one of their number president of said board, and one other secretary; they shall then take measures to view, locate and establish said road, and of all such locations they shall file a copy with the auditor of each of the counties through which said road may pass.

SEC. 5. The taxes levied for road purposes on all property within two miles of said road, on each side thereof, shall be applied to the construction and repair thereof; and all persons owing such taxes, who may wish to discharge the same in labor, shall apply such labor under the direction of said commissioners, or their agents appointed for that purpose.

SEC. 6. So much of the taxes appropriated by this act as shall be paid into the county treasury shall be computed by the county auditors, and paid over, on the certificate of the officers of said board, certifying that labor to the amount thereof has been performed on said road; and all taxes so computed shall be expended on said road by said commissioners.

SEC. 7. It shall be the duty of the respective county auditors in computing the portion of road tax that may have accrued within the aforesaid limits, on each side of said road, to embrace the whole of any tract of land not exceeding eighty acres, of which at least one half shall be within said limits; and for all duties performed by them under this act he shall be allowed the same fees allowed by law for similar services in other cases, to be audited by the county commissioners and paid out of the county fund.

SEC. 8. The commissioners shall have power to receive donations of land to aid in the construction of said road, and to sell and convey the same in fee simple; they may take releases of the right of way, and they shall expend the money in their hands only on such parts of the road as shall have been permanently located and established.

SEC. 9. The said commissioners and their successors shall be a corporation by the name and style of the Martinstown, Mount Blanchard and Careytown Free Turnpike Road, for the purpose of carrying into effect the provisions of this act; and it shall be their duty to prosecute for all obstructions to said road, or for injuries done to the same, or to the bridges thereof, and the form of such prosecution shall be in the action of debt, and the amount recoverable in each case shall be the amount of damages actually found by the court or jury, with ten per centum thereon; and in all cases the said commissioners shall have a right to sue, either before a justice of the peace, where the damages demanded are under one hundred dollars, or in the court of common pleas of the proper county, where the damages are over one hundred dollars, which suits shall be appealable as in other cases, and the amount so collected in each case shall be for the benefit of said road, and shall be paid over as provided in section six.

SEC. 10. The said commissioners shall, annually, in the month of January, make a full settlement of their receipts and expenditures, under this act, and deposit a copy thereof in the auditor's office of each county through which said road may pass.

SEC. 11. The supervisor of any road district through which said road may pass shall be and hereby is authorized to appropriate any portion of the two days labor within his district, which he may deem expedient, to the construction, preservation and repair of said road, and the same shall be applied under the direction of said trustees, or their agent or agents.

SEC. 12. The commissioners of said road shall be allowed their reasonable expenses when engaged on the business of said road, and no more; and when any vacancy shall happen in said board, by death, resignation, or otherwise, the commissioners of the county, on being notified thereof, shall fill the same as often as it may occur.

SEC. 13. The expenses of surveying and location, and other expenses incidental to the construction, preservation, superintendence and repair of said road, shall be paid out of the funds appropriated by this act to the construction, preservation, and repair of the same, provided that no greater sum shall be paid than is now allowed by law for similar services for laying out and establishing county and state roads.

SEC. 14. All claims for damages arising out of the location of said road shall be settled in the manner prescribed by the act for opening and regulating roads and highways; and all damages assessed for injury to property shall be paid out of the county treasury, if, in the opinion of the county commissioners, the benefit resulting from the establishment of said road, will [not] be equal to the amount of damages assessed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 4, 1845.

AN ACT

To explain the act to incorporate the Cincinnati Astronomical Society.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That the Cincinnati Astronomical Society, incorporated by an act of the general assembly of Ohio, passed March fourth, one thousand eight hundred and forty four, is hereby declared to be a private incorporation for purposes exclusively literary, within the meaning of the provisions of the act "instituting proceedings against corporations not possessing banking powers," passed March seventh, one thousand eight hundred and forty two.*

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 4, 1845.

AN ACT

To lay out and established a Free Turnpike Road from Ottawa, in the county of Putnam, to Samuel Myers' Mill, on the Auglaize river.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That John G. Booknoed, S. P. Kahle, and P. B. Holden, of the county of Putnam, be and they are hereby appointed commissioners, and Elias Everitt, of the county of Putnam, surveyor, to lay out and establish a free turnpike road, beginning at Ottawa, in the county of Putnam, thence to Glandorff, thence to the mouth of Deer Creek; thence to Myers' mill, in said county, which shall be constructed, repaired and preserved in the manner pointed out in this act.

SEC. 2. That the said commissioners shall have power to appoint a superintendent or superintendents, and such other agents as they may deem necessary to carry into effect the provisions of this act; a majority of said commissioners shall be a quorum, having power to transact any business, and exercise any powers devolving upon or intrusted to them, by this act; and they shall keep a record of their proceedings, which shall at all times be open for inspection by any person interested, desiring to inspect the same.

SEC. 3. The commissioners shall have power to receive subscriptions or donations in money, or property, real or personal, which shall be applied to the construction of said road; they may make contracts for constructing the same in a solid and durable manner, and keeping the same in repair; they may open and finish said road in the first instance along such portions of the line thereof, as will soonest render the whole line thereof available for travel and transportation; and they shall have power to purchase and procure all the necessary implements and fixtures to preserve said road in repair.

SEC. 4. The said commissioners shall meet on the first Monday in July next, or within thirty days thereafter, and organize, by choosing one of their number president of said board, and one other secretary; they shall then take measures to view, locate and establish said road, and of all such locations they shall file a copy with the auditor of each of the counties through which said road may pass.

SEC. 5. The taxes levied for road purposes, on all property within two miles of said road on each side thereof, shall be applied to the construction and repair thereof; and all persons owing such taxes, who may wish to discharge the same in labor, shall apply such labor under the direction of said commissioners, or their agents appointed for that purpose.

SEC. 6. So much of the taxes appropriated by this act as shall be paid into the county treasury shall be computed by the county auditor, and paid over on the order of said auditor, which order shall be issued on the certificate of the officers of said board, certifying that labor to the amount thereof has been performed on said road; and all taxes so computed shall be expended on said road by said commissioners.

SEC. 7. It shall be the duty of the respective county auditors in computing the portion of road tax that may have accrued within the aforesaid limits, on each side of said road, to embrace the whole of any tract of land, not exceeding eighty acres, of which at least one half shall be within said

limits, and for all duties performed by them under this act, he shall be allowed the same fees allowed by law for similar services in other cases, to be audited by the county commissioners, and paid out of the county fund.

SEC. 8. The commissioners shall have power to receive donations of land to aid in the construction of said road, and to sell and convey the same in fee simple; they may take releases of the right of way, and they shall expend the money in their hands only on such parts of the road as shall have been permanently located and established.

SEC. 9. The said commissioners and their successors shall be a corporation by the name and style of the Glandorff Free Turnpike Road, for the purpose of carrying into effect the provisions of this act; and it shall be their duty to prosecute for all obstructions to said road, or for injuries done to the same, or the bridges thereon; and the form of such prosecutions shall be in the action of debt; and the amount recoverable in each case shall be the amount of damages actually found by the court or jury, with ten per centum thereon; and in all cases the said commissioners shall have a right to sue either before a justice of the peace, where the damages demanded are under one hundred dollars, or in the court of common pleas of the proper county, where the damages are over one hundred dollars, which suits shall be appealable as in other cases; and the amount so collected in each case shall be for the benefit of said road, and shall be paid over as provided in section six.

SEC. 10. That said commissioners shall annually, in the month of January make a full settlement of their receipts and expenditures under this act, and deposit a copy thereof in the auditor's office of each county through which said road may pass.

SEC. 11. The supervisor of any road district through which said road may pass shall be and hereby is authorized to appropriate any portion of the two days labor within his district, which he may deem expedient, to the construction, preservation and repair of said road; and the same shall be applied under the direction of said trustees or their agents.

SEC. 12. The commissioners of said road shall be allowed their reasonable expenses when engaged on the business of said road, and no more; and when any vacancy shall happen in said board, by death, resignation or otherwise, the commissioners of the county, on being notified thereof, shall fill the same as often as it may occur.

SEC. 13. The expenses of surveying and location, and other expenses incidental to the construction, preservation, superintendence and repair of said road, shall be paid out of the funds appropriated by this act to the construction, preservation and repair of the same.

SEC. 14. All claims for damages arising out of the location of said road shall be settled in the manner prescribed by the act for opening and regulating roads and highways; and all damages assessed for injury to property, shall be paid out of the county treasury, if, in the opinion of the county commissioners, the benefit resulting from the establishment of said road will be equal to the amount of damages assessed.

SEC. 15. That nothing in this act shall be so construed as to allow the commissioners, named in this act, more than one dollar per day, while actually employed in laying out or improving said road, nor more than seventy five cents to any agent in their service.

SEC. 16. That so much of the act entitled "an act to establish a free turnpike road from Ottawa, in the county of Putnam, to the Indiana state line, in the county of Williams, as appropriates any tax levied on property west or south of Blanchard river, is hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 4, 1845.

AN ACT

To incorporate the German Benevolent Society of Newark, Licking county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Eugene Koos, Francis Bickle, Michael Morath, A. Lewis Thomas, Charles Fisher, and Henry Rickenback, and their associates, of the county of Licking, and State of Ohio, are hereby created a body politic and corporate, with perpetual succession, by the name of the German Benevolent Society of Newark, Licking county.

SEC. 2. Said society shall be capable of acquiring and holding in fee simple, or otherwise, by purchase, donation, or otherwise, and selling and disposing of, as to them shall seem proper and right, any amount of real and personal estate, the annual income of which shall not exceed two thousand dollars.

SEC. 3. Said society shall be capable of ordaining and enforcing such necessary constitution, bylaws and ordinances, not inconsistent with the constitution and laws of the United States and of the State of Ohio, as said society shall judge expedient, for the admission of its members, appointment of its officers, and management of its fiscal concerns, together with all other necessary powers for their corporate existence, and the proper management of all its concerns.

SEC. 4. Said society shall be capable of contracting and being contracted with, suing and being sued, defending and being defended, pleading and being impleaded, in all courts of law and equity in this state, or elsewhere; to have a common seal, and to break, alter, and renew the same again at their pleasure.

SEC. 5. The property of said society shall be converted to no uses or purposes whatever other than the mutual support of its members, in case of sickness, and for such other benevolent purposes as the society may direct; and the legislature shall at all times have power to alter or amend this act, not thereby affecting rights acquired therefrom, or the right of property of the individual members thereof.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 4, 1845.

AN ACT

To provide for the repair of the State Road leading from Greenville, in Darke county, to Recovery, in Mercer county, and thence to Willshire, in Vanwert county, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the taxes levied for road purposes, on all property within two miles of the state road leading from Greenville, in Darke county, via Recovery, in Mercer county, to Willshire, in Vanwert county, on each side of the same, shall be applied for the term of three years from and after the passage of this act, to the improvement and repair of said road, and all persons owing taxes, who may wish to discharge the same in labor, shall apply such labor under the direction of the agent or agents appointed to superintend the repair of said road, at the rate of seventy five cents per day, provided that no tract of land shall be taxed unless one half of such tract be included within the above limits.

SEC. 2. That so much of the taxes appropriated by this act as shall be paid into the county treasury, of each of the counties aforesaid, shall be computed by the county auditor as accurately as may be, and paid over upon the order of the auditor to the agent or agents who shall certify that labor, to the amount of said order, has been done on said road, and all taxes so computed by the county auditor shall be expended on said road in the county where collected.

SEC. 3. It shall be the duty of the county auditors of the respective counties through which the said road passes, in computing the portion of road tax that may have accrued within the aforesaid limits, on each side of said road, to embrace the whole of any tract of land, not exceeding one hundred and sixty acres, of which any part shall be within said limits; and for all duties performed by them under this act, they shall be allowed the same fees as are allowed by law in other cases for similar services.

SEC. 4. That the commissioners of the several counties of Mercer and Vanwert shall have power to appoint a superintendent or superintendents, and such other agents in each of said counties as they may deem necessary to carry into effect the provisions of this act.

SEC. 5. The said commissioners shall, at the annual meeting, in each year, make a full settlement of their receipts and expenditures under this act, and deposit a copy thereof in the auditor's office of each county, through which said road may pass.

SEC. 6. That nothing in this act shall be so construed as to allow said county commissioners more than one dollar per day, while actually employed in improving and repairing said road, nor more than seventy five cents per day to their agents.

SEC. 7. This act to take effect and be in force for the term of three years from and after its passage. The provisions of this act to be confined to the counties of Mercer and Vanwert.

SEC. 8. That David Beardsly, Matthew S. Frank, and Samuel Ruckman, of the county of Mercer, are hereby appointed to lay out and establish a state road from Recovery, in said county of Mercer, by way of, and along the west embankment of the Mercer county reservoir, to the town of Celina, in said county, and said road when so laid out, established and recorded, as is provided by law for other state roads, shall be constructed,

repaired and preserved in the same manner and by means of a like expenditure of the road tax on all property within two miles of the line of said road as is provided for in the fourth section of this act, provided that whenever the taxes appropriated for the construction of any other road heretofore or hereafter authorized, shall conflict with the provisions of this act, all such taxes shall be equitably divided by the auditor of the proper county and apportioned to the several roads.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 4, 1845.

AN ACT

To incorporate a Hook and Ladder Company in the town of Marysville, in the county of Union.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Samuel Reslar, Manes Wasson, Abner Power, and their associates, and those who may hereafter associate with them, and their successors, be and they are hereby created a body politic and corporate under the name and style of the Marysville Hook and Ladder Company, and as such be competent to contract and be contracted with, to sue and be sued in all courts of this state; they shall have power to acquire and hold property, real personal and mixed, to the value of not more than two thousand dollars, and the same to sell and convey at pleasure.

SEC. 2. That said company may have a common seal, and may alter or amend the same at pleasure, and shall have power to make and enforce such bylaws, not inconsistent with the constitution and laws of the United States, or of this state, as they may deem proper for the organization and good government of its members, and management of their corporate affairs.

SEC. 3. That the members of said company, while belonging to the same, and while said company remains regularly organized and supplied with suitable apparatus for the objects and purposes of said company shall be exempt from military duty in time of peace.

SEC. 4. That said corporation, and the corporators thereof, shall be subject to all the restrictions, limitations and provisions of an act entitled an act instituting proceedings against corporations not possessing banking powers, and the visitatorial powers of courts, and to provide for the regulation of corporations generally, passed March seventh, one thousand eight hundred and forty two.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 4, 1845.

AN ACT

To incorporate the Xenia and Springfield Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That W. M. Spencer, W. H. Huntington, Jacob Wolf, Aaron Harlan, William Mills, Andrew Galloway, Benjamin Tanquary and John Little, their associates and successors, be and they are hereby created a body corporate and politic, by the name of the Xenia and Springfield Turnpike Road Company, for the purpose of constructing a turnpike road from the town of Xenia, in Greene county, by the way of Oldtown and Yellow Springs, to Springfield, in Clark county.

SEC. 2. That said company shall have all the rights, privileges and powers, and be subject to all the restrictions defined in the act to provide for the regulation of turnpike companies, passed January seventh, one thousand eight hundred and seventeen, and the several acts amendatory thereto, except so far as the same may be modified or changed by this act.

SEC. 3. That the capital stock of said company may be fifty thousand dollars, divided into shares of fifty dollars each.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 4, 1845.

AN ACT

To authorize the sale of the southwest quarter of section ten, township twenty one, and range twenty, and the southeast quarter of section nine, township twenty one and range twenty, belonging to a fractional part of Saltcreek township, in Holmes county, for School purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the southwest quarter of section number ten, township number twenty one, in range twenty, and the southeast quarter of section number nine, in township number twenty one, and range twenty, in the county of Richland, be and the same is hereby authorized to be sold, and such sale shall in all respects be governed by the provisions of an act entitled an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto, passed February second, one thousand eight hundred and forty three.

SEC. 2. That in no case shall said land be sold for a less sum than five dollars per acre, nor less than the appraised value thereof.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 4, 1845.

AN ACT

To provide for the settlement of the affairs of the Cuyahoga Falls Real Estate Association.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Ira Loomis and Samuel W. McClure, of Cuyahoga Falls, in the county of Summit, be and they are hereby authorized and empowered, as trustees for the creditors generally, of said association, to commence and prosecute in any and all courts of competent jurisdiction, either at law or in equity, all such suits and proceedings as may be necessary and proper to collect all bonds, bills, notes, mortgages, or other evidences of debt heretofore executed, or given by any individual or company to said association, or to any of the members or officers thereof, for the use or benefit of said association; and the funds arising from such suits or proceedings shall be by said trustees distributed among the several creditors of said association, in proportion to their respective demands, to be proven before said trustees, to their satisfaction, reserving to themselves a reasonable compensation for their services and expenses.

SEC. 2. Should either or both of said trustees die, remove from the state, or refuse to act, the court of common pleas of the county of Summit, on motion of any person interested, and satisfactory proof made to them of the fact of such death, removal or refusal to act, may appoint a trustee or trustees to act in the stead of the persons hereinbefore named as trustees, or either of them, and with the same power and authority.

SEC. 3. That in case of the death of either or both of said trustees, appointed in their stead, as aforesaid, after the commencement of any suit as aforesaid, before or after judgment, such suit shall not abate, but the same may be prosecuted to final judgment and satisfaction by the survivor, in case of the death of one of said trustees, or by their successors to be appointed by the court, as aforesaid, in case of the death of both trustees.

SEC. 4. That in all such suits, so to be prosecuted as aforesaid, it shall not be lawful for the defendant or defendants, to plead, set up, or insist upon in defence, that the notes, bonds, bills, or other written evidences of such indebtedness, are void on account of their being contracts against, or in violation of any statute law of this state, or on account of their being contrary to public policy.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.

DAVID CHAMBERS,
Speaker of the Senate.

March 4, 1845.

AN ACT

To amend an act defining the limits of the corporation of the town of Zanesville, passed 26th of January, 1818.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That so much of the township of Zanesville, in the county of Muskingum, as is comprised within the following boundaries, to wit: beginning at a stake and stone at the southwest corner of outlot number nine, in the east addition of the town of Zanesville, agreeably to a record of the same, thence with the west boundary line of outlots numbered nine, eight and seven, north thirty chains and fifty links to the middle of the Wheeling road, (as so designated in the year one thousand eight hundred and eighteen,) thence east eighty four links to the east point of David J. Marple's east addition, thence north to a State road leading from Zanesville to Coshocton, which road forms the eastern boundary of Hamline's third addition to said town; thence with said road to the first run crossing the same as delineated upon the plat of said addition, recorded in the recorder's office of Muskingum county, book number one, page four hundred and twenty nine; thence down said run to the middle of Muskingum river; thence down said river along the middle of the same to a point due west from the mouth of Slagoe's run; thence east to the mouth of said run; thence up said run to a stake and stone planted in the edge thereof; thence north seventy three degrees, east, three chains, to the place of beginning, shall henceforth be known as the limits of the corporation, and distinguished by the name of the town of Zanesville.

SEC. 2. The said town shall have, and may exercise concurrent municipal rights and jurisdiction on the Muskingum river adjoining said town, and the bridges crossing the same, with such towns as are now, or may be hereafter established upon the opposite bank of the same river.

SEC. 3. The township of Zanesville shall be a separate road district; and the town council shall, in addition to the power of levying taxes prescribed by the fifth section of the "act to provide for the incorporation of towns," passed January seventh, one thousand eight hundred and seventeen, possess also the power now possessed by the county commissioners, of levying a road tax, to be appropriated under the direction of the council, to the improvement and repair of the streets, alleys, roads and highways within said township. The commissioners of the county of Muskingum shall not hereafter levy any road tax within said township of Zanesville.

SEC. 4. The town council shall, annually, appoint a supervisor of highways, who shall within the limits of the township of Zanesville, possess the powers, perform the duties, and incur the liabilities which are possessed, performed and incurred by the supervisors elected under the general laws of the state. No supervisor shall exercise any functions within said township, excepting as may be appointed by the town council.

SEC. 5. The town council shall have power to cause and authorize the construction of wharves, landings, dykes and levees; to regulate the landing of vessels, boats, rafts, or other watercraft, and to collect wharfage at wharves or landings made or kept in repair by the town; also to vacate unnecessary streets or alleys, with the consent of all the owners of lots on such street or alley by a unanimous vote of the council, every member be-

ing present; also by a like vote to open new streets and alleys, with the consent of the owners of two thirds of the land through which the same may pass, first making due compensation to such persons as may be injured thereby, the compensation to be adjudged by three disinterested persons, to be appointed by the court of common pleas of Muskingum county; to cause the owners of lots to curb the same, and make pavements for sidewalks in front thereof; to restrain animals from running at large in said town, and to impose fines, forfeitures and penalties on all persons offending against the laws, regulations and ordinances of said town, and provide for the prosecution, recovery and collection thereof.

SEC. 6. Any person purchasing any real estate situate in said town, at any sale for taxes due the town, shall, before he can receive a deed, and acquire a title therefor, pay all taxes which may be due thereon to the state and county; and in like manner, any person purchasing any real estate situate in said town, at any sale for taxes due the state shall, before he can receive a deed, and acquire a title therefor, pay all taxes which may be due thereon to the town.

SEC. 7. That the President, Recorder and Trustees shall hereafter be known as the Mayor Recorder and Common Council of the town of Zanesville, and as such shall severally and jointly possess all the powers and discharge all the duties required of the President, Recorder and Trustees.

SEC. 8. This act shall take effect from and after its passage.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,

Speaker of the Senate.

March 4, 1845.

AN ACT

To authorize the sale of School Section Sixteen, in township twenty one, range twenty, in Richland county, belonging to a fractional part of Sugarcreek township, Stark county, for school purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the southeast quarter of section one, township twenty one, and range twenty, in Richland county, belonging to a fractional part of Sugarcreek township, Stark county, for school purposes, be and the same is hereby authorized to be sold; provided no part thereof shall be sold for less than five dollars per acre, nor for less than the appraised valued thereof, and such sale shall in all respects be governed by the provisions of an act entitled "an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto," passed February second, one thousand eight hundred and forty three.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,

Speaker of the Senate.

March 3, 1845.

AN ACT

To incorporate the Cleveland and Hudson Railroad Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That Harvey Baldwin, John B. Clark, Anson A. Brewster, Simeon C. Porter, William W. Thompson, Perley Manser, Mills Thompson, Sylvester H. Thompson, Luman Bishop, James Butler and Harvey Whedon, together with those who may hereafter become stockholders, in the manner herein-after prescribed, their successors and assigns, be and they are hereby created a body corporate, by the name and style of the Cleveland and Hudson Railroad Company, and shall have perpetual succession, and by that name and style shall be capable in law to hold, purchase, receive possess and enjoy, real and personal estate, and retain to them, their successors and assigns, all such lands, tenements and hereditaments as shall be requisite for their accommodation and convenience in the transaction of their business, and such as may be in good faith conveyed to them by way of security, or in satisfaction of debts, or by donation or purchase, or the same to sell, grant, rent, or otherwise dispose of; to sue and be sued, to plead and be impleaded, answer and be answered unto, defend and be defended in courts of record and elsewhere; and, also, to make, have and use a common seal, and the same to alter, break, renew or change at pleasure.*

SEC. 2. That the said corporation shall have, and they are hereby vested with, the right and authority to construct a single or double track railroad, from some convenient point in the city of Cleveland, in the county of Cuyahoga, extending in a southerly direction to the town of Hudson, in the county of Summit, terminating at some convenient point therein, to be designated by said company; and said company may, if they deem it for their interest, extend said road to the town of Akron, in said county of Summit, to transport, take and convey persons and property on the same by the power of steam, of animals, or of any other mechanical, or other power or any combination of them, which said company may choose to employ.

SEC. 3. That the capital stock of said company shall be five hundred thousand dollars, and shall be divided into shares of fifty dollars each.

SEC. 4. That the above named persons, or any three of them, are authorized to open books for receiving subscriptions to the capital stock of said corporation within one year from the passage of this act, at such place or places as they may deem expedient, giving previously twenty days notice in some one or more newspapers in general circulation in the counties of Cuyahoga and Summit, of the time and place of opening said books; and as soon as said stock shall be subscribed, or twenty thousand dollars thereof, they shall give a like notice for a meeting of the stockholders to choose directors; at the time and place appointed, nine directors shall be chosen by such stockholders as shall attend for that purpose, either in person or by lawful proxies; each share of the capital stock shall entitle the owner to one vote; the persons named in the first section of this act, or a majority of them, shall be inspectors of the election, and shall certify, under their hands, what persons are elected directors; five directors shall form a board, and be competent to transact all business of the corporation;

a new election of directors shall be made annually, at such time and place as the stockholders, at their first meeting, shall appoint; but if no election be made on the day appointed, such election may be made on any other day appointed by the bylaws of the company; and the directors chosen at any election, shall, as soon thereafter as may be convenient, choose out of their number one person to be president, and another to be treasurer of said corporation; and if any vacancy shall occur in said board of directors, by death, resignation or otherwise, such vacancy shall be filled by the remaining directors, or a majority of them, as often as the same may occur.

SEC. 5. That upon every such subscription, there shall be paid at the time of subscribing, to the persons authorized to open said books, the sum of five dollars, on every share subscribed, and the residue thereof shall be paid in such installments, and at such times, as may be required by the president and directors of said company to the treasurer thereof; provided no payment, other than the first, shall be demanded, until at least thirty days notice of such demand shall have been given by the president and directors, in at least one newspaper published in each of the counties of Cuyahoga and Summit; and if any such stockholders shall fail or neglect to pay any installment or part of said subscription, thus demanded, for the space of thirty days next after the time at which the same shall have become due and payable, the said president and directors, by giving at least twenty days previous notice thereof, in manner aforesaid, may sell, and they are hereby authorized to sell at public vendue, so many of the shares of said delinquent stockholders as shall be necessary to pay such installment and the expenses of advertising the sale, and transfer of the shares, so sold, to the purchaser; and the residue of the money arising from such sale, after paying such installment and expenses, shall be paid to such delinquent stockholder on demand.

SEC. 6. That the corporation be and they are hereby authorized to cause such examinations and surveys to be made of the ground lying between the aforesaid mentioned points, as shall be necessary to determine the most eligible route whereon to construct said railroad, and it shall be lawful for said corporation, by its members or lawful agents, to enter upon and take possession of all such lands and real estate, and materials of every kind as may be wanted for the construction and repairs of said railroad, and the requisite examinations, and the president and directors of said company may agree with the owner or owners of any land, earth, timber, gravel, stone or other materials or any other articles whatsoever, which may be wanted in the construction or repairs of said road, as to the price of such lands or material, not previously appropriated by the owner to any particular use, found on any unimproved land adjoining or near said road, but in case of disagreement between said president and directors and said owner or owners, or if the owner or owners are feme covert, under age, non compos mentis, or out of the county, application may be made to any justice of the peace of the county in which said property may be situated, who shall thereupon issue his warrant, under his hand and seal, to the sheriff of said county, or to some disinterested person, if the sheriff be interested, requiring him to summon a jury of three disinterested freeholders of said county to meet on the land, or near to the materials or other property to be valued, on a day to be named in said warrant, not less than ten, nor more than twenty

days after the issuing of the same, and if any of the persons summoned shall not attend, the said sheriff or summoner shall immediately summon as many other disinterested persons as shall be necessary to furnish a panel of three jurors, who shall act as an inquest of damages, having an oath or affirmation first administered to each, justly and impartially to value the damages which the owner or owners will sustain by the use or occupation of the land, materials or property required by said company, and the jury estimating said damages, if for the ground occupied by said railroad, shall take into the estimate the benefits resulting to said owner or owners by reason of said road passing through, or upon the land of said owner or owners, towards the extinguishment of such claim for damages, and the said jury shall reduce their inquisition to writing, and shall sign and seal the same, and the payment or tender of the amount of such valuation to the owner or owners of said property, his, her or their legal representatives, shall entitle said company to the land, estate and interest in the same, thus valued, as fully as if it had been conveyed by the owner or owners of the same for such term of time as said company shall occupy the same as a railroad; and said sheriff or summoner and jurors, shall be entitled to demand and receive from said company the same fees as are allowed for like services, in cases of fixing the value of real estate previous to sale under execution; provided that either party may, within ten days, appeal from the decision of said jury of inquest to the court of common pleas of said county, and the said court shall proceed therein as in appeals for damages in laying out state roads, provided that before the said company shall enter upon any lands for the purpose of constructing said railroad, or for the purpose of procuring materials for the same, they shall give satisfactory security to the owners of such land or materials for the payment of any award of damages which may have been made in favor of such owner or owners under the provisions of this bill.

SEC. 7. That the said corporation shall have power to determine the width and dimensions of said road, whether it shall be a single or double track, to regulate the time and manner in which passengers and property shall be transported thereon, and the manner of collecting tolls for such transportation, and to erect and maintain such buildings for the business of said corporation as they may deem best for the interest of said company.

SEC. 8. That said corporation may construct said railroad across, or upon any road or highway, or across any stream of water or watercourse, if the same shall be necessary, but in such case it shall be the duty of such corporation so to construct said railroad as not to impede the progress or transportation of persons or property upon such road or highway, nor to impair the usefulness of any stream of water or watercourse to the owner or to the public, and when it shall be necessary to pass through the lands of any individual, it shall also be the duty of said company to provide such individual proper wagon-ways across said road from one part of his lands to the other.

SEC. 9. That the president and directors shall have power to purchase with funds of the company, and place on the said railroad, all machines, wagons, carriages or vehicles of any description, which they may deem necessary or proper for the purposes of transportation on said road, and said company may demand and receive from all persons conveying pas-

sengers or transporting property upon said road such rate of toll per mile as may be prescribed by the bylaws of said corporation, and all persons paying the toll aforesaid, may, with suitable and proper carriages, or other vehicles, use and travel upon said road, subject to such regulations and rules as said company may adopt, in conformity with the provisions of this charter, and the shares of the capital stock of said company shall be considered personal property, and shall be transferable agreeably to the bylaws of said company.

SEC. 10. That at the regular annual meeting of the stockholders of said company it shall be the duty of the president and directors in office, for the previous year, to exhibit a full and clear statement of the affairs of the company; and the president and directors shall, annually, or semi-annually, declare and make such dividend as they may deem proper of the net profits arising from the resources of the said company, deducting the necessary current and probable contingent expenses, and that they shall divide the same among the stockholders of said company in proper proportion to their respective shares.

SEC. 11. That the president and directors, or a majority of them, may appoint all such officers, engineers or agents whatsoever, as they may deem necessary for the transaction of business of said company, and may remove any of them at their pleasure; and said president and directors, or a majority of them, shall have power to determine by contract the compensation of all engineers, officers or agents in the employ of said company, and also the manner and evidence of transfers of stock in said company; and they, or a majority of them, shall have power to pass all bylaws which they may deem necessary or proper for exercising all the powers vested in the company hereby incorporated, and for carrying the objects of this act into effect; provided that such bylaws shall not be contrary to the laws of this state, or of the United States.

SEC. 12. That the president and directors, for the time being, or the general assembly may, if they think proper, permit and allow any other corporation or association organized for the purpose of constructing a railroad to connect and unite the same with the one provided for in this charter, at such point, and upon such terms as the said president and directors, or the general assembly, may deem expedient, and for the interests of this corporation.

SEC. 13. That every president, director and treasurer of said company, before he acts as such, shall take an oath or affirmation, as the case may be, that he will well and truly discharge the duties of his said office to the best of his skill and judgment.

SEC. 14. That if any person or persons shall willfully and maliciously, by any means whatsoever, injure, impair or destroy any part of said road, constructed by said company under this act, or any of the necessary works, buildings, cars or machinery of said company, such person or persons so offending, shall each of them, for every such offence, forfeit and pay to the said company, two fold the damages which may be recovered in the name of said company by an action of debt, with costs of suit, in any court having cognizance thereof; and shall also be subject to an indictment in the court of common pleas of the county in which such offence shall have been committed; and upon conviction of such offence, shall be punished by fine,

not exceeding one thousand dollars, and imprisonment in the county jail not more than twenty days.

SEC. 15. That if the corporation hereby created, shall not, within two years from the passage of this act, commence, and within five years put in operation said railroad from Cleveland to Hudson, then this act shall be null and void.

SEC. 16. That said company shall not contract debts or liabilities to a greater amount than the amount of the capital stock subscribed and held by responsible stockholders, and remaining unexpended, together with the amount of its means on hand, and that which may be reasonably expected to accrue within three years from the time of making such contract.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS.

Speaker of the Senate.

March 4, 1845.

AN ACT

To incorporate the Vermillion Institute.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Harrison Armstrong, William Hughes, J. L. McLain, Lewis Granger, A. Armentrout, William W. Irwin, George Buchanan, Archibald Gillis, John Harmon, Jesse Higbee, Joseph Workman, Michael Culler, William W. Scott, Thomas W. Coulter, J. C. Naylor, and Edmund Ingman, and their associates, who now own, or may hereafter take stock in the Vermillion Institute, be and they are hereby created a body politic, and, as such, shall have perpetual succession, capable of suing and being sued, pleading and being impleaded in any action at law, or suit in chancery, in any court proper to try the same; and may also have and use a common seal, and the same to break, alter or renew at pleasure.

SEC. 2. The objects of the institution, aforesaid, shall be to educate males and females in letters and the sciences, and to instruct them in the elements of morality and the great truths of the christian religion, provided that the particular tenets or creed of any particular sect or denomination shall never be taught or enforced in said institution; and to carry these measures into execution, the Vermillion Institute shall be capable in law of acquiring and holding, either by gift, devise or purchase, any property, real or personal, not exceeding fifty thousand dollars in value, and the same to dispose of for the use of the institution, provided that no part of the funds or property of said institution, shall, at any time, be used in banking, or in striking or issuing bank paper.

SEC. 3. The capital stock of the Vermillion Institute shall not exceed fifty thousand dollars, and shall consist of shares of twenty dollars each, to be paid in installments of five dollars on each share, as follows, viz: the first installment shall be paid on the first day of July, one thousand eight hundred and forty five, and the other three installments shall be paid semi

annually thereafter; and the board of trustees may, at any time, require of the stockholders to execute their promissory notes, to the institution, or to other person or persons, for stock remaining unpaid; but such shall not be made payable at any other time than herein provided, for the payment of stock, unless by the consent of the maker of the note.

SEC. 4. Every person who now owns, or may hereafter take stock in the Vermillion Institute shall be a stockholder in the institution to the amount of stock by him subscribed; and for every number of shares he may own, not exceeding two, he shall be entitled to one vote; for three shares, he shall have two votes; and for each additional two shares he shall have one vote; but at any election hereafter the officers [holding] the same may, at their discretion, deprive delinquent stockholders the privilege of voting.

SEC. 5. The institution aforesaid, may collect its stock in its own name, by action of debt, in any court having competent jurisdiction.

SEC. 6. The board of trustees of the Vermillion Institute shall consist of ten trustees, who shall choose from their own body a president and secretary, and four of them, the president or secretary being one of the number, shall form a quorum for the transaction of business; the trustees shall hold their office for the term of three years, and until their successors are chosen, and enter upon the performance of their duties, except as herein-after provided; the president and secretary shall hold their respective offices until their several terms of office, as trustees, shall expire, and they shall severally perform the duties usually required of such officers, respectively, and also, all other duties enjoined on them by the rules, laws and regulations of the institution; the board of trustees shall hold their meetings at such time and place as they shall designate, and the president, when he deems it expedient, may call a meeting of the board, and in the absence of the president or secretary at any meeting, the board of trustees may appoint a president or secretary pro tempore.

SEC. 7. The first board of officers for the Vermillion Institute shall be elected upon the first Saturday of April, in the year one thousand eight hundred and forty five; but said association may be temporarily organized before that time, by the election of a chairman and secretary, and an advisory board of three members, who, together with the president and secretary, shall constitute a board for the management of the affairs of said institution. All elections shall be by ballot, and the president shall preside, and the secretary shall act as clerk, and the trustees present shall act as judges of said election, and the persons having the highest number of votes shall be declared duly elected.

SEC. 8. If at any time any vacancy shall occur in the office of president, secretary or trustees, otherwise than by the expiration of the term thereof, such vacancy may be supplied by the board of trustees at any meeting, and the person so chosen shall hold such office until the expiration of the term of the person in whose place he was chosen, and no longer.

SEC. 9. The concerns of said Vermillion Institute shall be managed by the board of trustees; they shall select, purchase, or otherwise procure and inclose a site for the institute; they shall superintend the erection and repair of a suitable building, or the procurement and repairing of one already built; they shall procure apparatus, and all furniture, and other

articles suitable for such institution; they shall employ a teacher or teachers, assistants, and all other officers necessary for conducting a seminary; they shall regulate the admission and government of the students; they shall make all contracts on behalf of the institution; they shall, from time to time, make and enforce such rules, regulations and laws, not inconsistent with, or contrary to the laws of the land, and take all such proper measures as shall be for the support, good government and well being of the institution; and they shall, generally, do and perform all such matters and things as shall by them be deemed conducive to the benefit and interest of the institution.

SEC. 10. The board of trustees shall have power to manage, appropriate and dispose of the funds and property belonging to said institution, but no funds shall be paid out except upon the order, signed by the president and countersigned by the secretary, provided that the funds and property of said institution shall not be applied or appropriated to any use, or for any purpose not herein expressed and intended.

SEC. 11. The board of trustees may appoint a treasurer and other officers of the institution, not selecting the same from their own body, who shall hold their offices for such time, shall perform such duties, and give such security as shall be prescribed by the rules, laws and regulations of said institution.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 4, 1845.

AN ACT

To amend an act entitled "An act to lay out and establish a state road, in the counties of Franklin and Fairfield, and to extend the state road heretofore established on the line between the counties of Fairfield and Pickaway, and Fairfield and Franklin," passed March 11, 1843.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That so much of the roads, described in the act to which this is an amendment, as lies between the county line and Winchester, in Fairfield county, and so much of the road on the line between the counties of Fairfield and Franklin, north of the southern bank of the Ohio canal, be and the same are hereby established public highways, agreeably to survey, location and report of the commissioners and surveyor who surveyed and located said roads.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 4, 1845.

AN ACT

To authorize Marion and other counties therein named, to subscribe to the capital stock of certain companies to make public improvements.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of the counties of Marion, Delaware, Crawford, Wyandott, Seneca, Huron and Erie, be and they are hereby authorized, respectively, to subscribe in the name and for the benefit of their respective counties, to the capital stock of any incorporated company to construct any railroad, or any plank or turnpike road, from Columbus to Lake Erie, or to any such improvement leading to Lake Erie, as they respectively may deem expedient, not exceeding thirty thousand dollars each; and for that purpose the commissioners of the said counties, respectively, shall have power and authority to borrow money, on the faith and credit of such county, respectively, at any rate of interest not exceeding seven per cent. per annum, provided, however, that no such subscription or loan shall be made without the assent of the people of such county.

SEC. 2. The assent of the people of any such county to such subscription and loan may be ascertained as follows: the commissioners of such county, whenever they deem it advisable to do so, shall give notice to the electors of their county, at least twenty days before any township election held on the first Monday of April, that a vote is to be taken upon the question of a county subscription to the proposed improvement, (stating it,) which notice shall be published in a newspaper printed and circulated therein, if there be any printed therein, and if there be none, then in some newspaper in general circulation in such county, and which notice shall be accompanied with a copy of this act; and when such notice shall have been given, the qualified electors of such county, at their election in their several townships, on the first Monday of April next, after such notice, when they vote for their township officers, shall vote by ballot for subscription or against subscription; and it shall be the duty of the township trustees to provide a convenient and separate box to receive such ballots, and the voting thereat shall be conducted and regulated as the election is in other respects conducted, under the supervision of the judges thereof.

SEC. 3. And the judges of said election in each township, shall transmit a certified statement of the balloting, within two days thereafter, to the auditor of the county, and if it shall appear that a majority of said ballots have been given in favor of a subscription, then the said county commissioners may make such subscription, and borrow money for that purpose, but not otherwise.

JOHN M. GALLAGHER.

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 6, 1845.

AN ACT

To authorize the Little Miami Railroad Company to locate the line of said railroad between Xenia in Greene county, and Springfield, in Clark county, on the most suitable and practicable route.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the Little Miami Railroad Company be and they are hereby authorized to resurvey and locate the line of said railroad, between the town of Xenia, in Greene county, and Springfield, in Clark county, upon such ground as may be deemed on full examination to be most suitable and practicable; provided that all subscriptions made to the capital stock of said company upon the condition that that road should be made on the route heretofore surveyed and adopted, and that all stock subscribed after the said route was located and reported to the board of public works, by persons residing thereon, or who, at the time of such subscription after the location and report, were owners of land on said route, in case the said route shall be abandoned by the company, shall be then rescinded, and all moneys paid on such subscriptions, with interest thereon from the time of payment, shall be repaid to the person or persons who paid the same, or to his or their legal representatives on demand, provided that the state shall not be liable to refund any proportion of such subscriptions, nor shall the dividends of the state or any part thereof be appropriated for that purpose.

SEC. 2. That so much of the act entitled an act to amend an act to incorporate the Little Miami Railroad company, passed February nineteenth, one thousand eight hundred and forty, and the several acts amendatory thereto as is inconsistent with the provisions of this act, be and the same is hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 4, 1845.

AN ACT

To incorporate the Central Presbyterian Congregation, of Cincinnati.

Seco. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Samuel B. Findlay, J. P. Beggs, John L. Scott, John S. Stansbery, Charles Cist, William S. Ridgely, James M. Johnston, Edward Raymond, Henry B. Funk, Thomas S. Butler, Wm. S. Peebles, John S. Brown, A. McKenzie, B. W. Alexander, Andrew Maish and their associates, for the time being, be and they are hereby created and declared a body corporate and politic, by the name of the Central Presbyterian Congregation, of Cincinnati, and, as such, shall remain and have perpetual succession, subject, however, to such alterations and regulations as the legislature may, from time to time, think proper.

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SEC. 2. That the said association shall be capable in law, by the name aforesaid, of suing and being sued, pleading and being impleaded, in any action or suit, and in any court proper to try the same, and they are hereby authorized to have one common seal for the use of the corporation, and the same to alter and break, and to renew at their pleasure.

SEC. 3. That the said association shall be capable in law, in their said corporate name, of having, holding, receiving and acquiring, either by gift, grant, devise, purchase, or in any other way whatsoever, any estate, real, personal or mixed, for the use of said association; provided the annual income of all such property shall not exceed the sum of three thousand dollars; and that all the property of said corporation, of whatsoever kind, shall be considered as held in trust, under the management and at the disposal of said corporation, for the purpose of promoting the interest of the same, building or keeping in repair any church or meetinghouse necessary for the use of said association, defraying the expenses incident to their mode of worship, and maintaining any institutions of charity or education that may be therewith connected; and, provided, that when any money or other property shall be given, granted, devised or bequeathed for any particular use or purpose, it shall be faithfully applied to said use or purpose.

SEC. 4. That for the better regulating and managing the affairs of said association and promoting the interests thereof, there shall be elected annually by said association, on the first Monday of January, not less than three nor more than seven trustees, and such other officers as the said society may find it necessary, from time to time, to appoint, who shall hold their offices for the term of one year, and until their successors shall be duly elected; provided that if by any neglect, or casualty, an election of officers should not be made on the day appointed for the annual election, or in the event of a vacancy in any office, by death, removal, or otherwise, the association may elect their officers, or fill such vacancy at any meeting of the corporation duly assembled.

SEC. 5. That all elections of said corporation shall be by ballot, and the person or persons having a majority of the votes given for any office, shall be considered duly elected; every member shall have equal suffrage, and all matters of the association shall be determined by a majority of the members present, at any meeting of the same duly assembled.

SEC. 6. That Samuel B. Findlay, J. P. Beggs, John L. Scott, John S. Stansbery and Charles Cist, named in the first section of this act, be and they are hereby appointed trustees of said corporation, until the first annual election and until others are elected in their places.

SEC. 7. That the trustees, a majority of whom shall constitute a quorum for the transaction of business, shall, under the direction of the corporation, have the management and conduct of all its property and other concerns, shall make all contracts and transact all business of the same; and they, or a majority of them, shall also have power to call meetings of the corporation, either for the election of officers or the transaction of business, by giving at least one week's previous notice of said meeting, which notice shall be given by announcement at the usual place of worship of the same, and during the hours of public worship, or by causing a notice thereof to be put up at the door of said place of worship at least one week previous to said meeting.

SEC. 8 That the said trustees, or a majority of them, shall have the power to make such rules, regulations and bylaws for the government of said association, and for regulating and conducting the affairs of the same, as shall, from time to time, be deemed necessary and expedient; provided that such rules, regulations and bylaws shall not be incompatible with the constitution and laws of the United States and of this state; and provided also, that they shall not make or continue any rule, regulation or bylaw which shall have been disapproved by a vote of said corporation at any regular meeting thereof.

SEC. 9. That process against the corporation shall be served by leaving an attested copy with one or more of the trustees, and such service shall be sufficient to bind the corporation.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 4, 1845.

AN ACT

To establish a Free Turnpike Road, from Sidney, in Shelby County, to West Liberty, in Logan County.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Stephenson Conklin and Henry S. Conklin, of Shelby county, and William Boggs and Abner Riddle, of Logan county, be and they are hereby appointed commissioners to lay out and establish a free turnpike road from the town of Sidney, in Shelby county, to West Liberty, in Logan county, which shall be laid out and established as near the route of the present state road, between the points above specified, as may be practicable or advantageous.

SEC. 2. The commissioners shall meet in the town of Quincy, in the county of Logan, on the third Monday of April, one thousand eight hundred and forty five, or at any time within one month thereafter, and organize by choosing one of their number president of said board; and they shall then take measures to view, locate and establish said road, and of all such locations they shall cause true copies to be filed in the auditor's office of the proper county.

SEC. 3. The said commissioners and their successors shall be a corporation, by the name of the Sidney and West Liberty Free Turnpike Road, and in constructing and repairing said road, they shall be governed by, and entitled to all the provisions contained in the act entitled "an act to establish a free turnpike road from Sidney, in Shelby county, to Wapakonnetta, in Allen county," passed March seventh, one thousand eight hundred and forty three.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS.

March 4, 1845.

Speaker of the Senate.

AN ACT

To amend the act entitled "An act to authorize the sale of the east half of the northwest quarter of section number fifteen, in township number sixteen, of range nineteen, refugee tract, for the use of schools for the township of Liberty, Fairfield county, and the townships of Harrison and Union, in the county of Licking," passed January 21, 1845.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That all the duties required to be performed by the court of common pleas, and the county auditor, by the provisions of the act entitled an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto, passed February second, one thousand eight hundred and forty three, so far as relates to the land described in the act to which this is an amendment, shall be performed by the court of common pleas, and county auditor of Fairfield county.

SEC. 2. The second section of the act to which this is an amendment, be and the same is hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.

DAVID CHAMBERS,
Speaker of the Senate.

March 6, 1845.

AN ACT

To incorporate the Carrollton Band, of Carroll county, Ohio.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Thomas W. Collier, Stuart G. McKee, Stuart Elson, Henry Helfrick, George W. Marks, Christopher Wilson, Samuel Worstell, David Coalman, Jacob Helfrick, and Edmund Baxter, and their associates, be and they are hereby created a body politic and corporate, under the name of the Carrollton Band, with succession for twenty years, from and after the passage hereof, and, as such, shall be capable in law and equity of suing and being sued, pleading and being impleaded, in any suit or action, in any court having competent jurisdiction; they shall have power to hold and possess property, whether real, personal, or mixed, to any amount not exceeding one thousand dollars; and shall be competent to contract and be contracted with, to sue any member or members of their own corporate body, as well as to be sued by any member or members of the same; to make such bylaws and adopt such regulations as may be deemed proper for the good order of the members; provided that no such bylaws or regulations shall be inconsistent with, or contrary to, the constitution and laws of this State or of the United States.

SEC. 2. The officers of said Carrollton band shall consist of a president, a secretary, and a treasurer, who shall be elected by ballot, annually, on the second Monday in April, who shall hold their offices for one year, and until their successors are chosen and qualified, provided that a failure to make an election on the day herein named shall not work a forfeiture of the rights and privileges of the corporation; but in case of such failure from

any cause, the president, secretary and treasurer, or any one of the three, shall have power to appoint such other day for an election, as they or he may think proper.

SEC. 3. That any future legislature may alter, amend or repeal this act, provided such alteration, amendment or repeal shall not affect the title to any property conveyed or acquired under the provisions hereof.

SEC. 4. This act to be and remain in force from and after its passage.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 4, 1845.

AN ACT

To amend an act to lay out and establish a Free Turnpike Road, from Lima, in Allen county, to Defiance, in Williams County.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Robert Shirley, Jesse Harrell, and John Hudson, meet at Charloe on the first day of May, or within thirty days thereafter, with the county surveyor of Paulding county, and proceed to review that part of the Lima and Defiance Free Turnpike Road, north of Charloe, and also the state road leading from Charloe to Defiance, and determine which route will be most conducive to the interests of the traveling community, and the route so determined shall, thereafter, form a part of the Lima and Defiance Free Turnpike Road; and said viewers and surveyor, and other persons necessary to carry into effect the provisions of this act, shall receive the same fees as are allowed for similar services, as in laying out and establishing state roads, to be paid out of the funds of said road.

SEC. 2. That when the road is established, according to the first section of this act, the county commissioners of the counties of Paulding and Williams may appoint one or more agents in each county to discharge the duties required in the act to which this is an amendment, and as required in this act; and said agents shall receive seventy five cents per day while actually employed in improving said road.

SEC. 3. That all the provisions and enactments of the act to which this is an amendment shall be applicable to the part of said road by this act established, in like manner as they are applicable to the road originally laid out, and returns of the alteration, hereby made and established, shall be made in like manner, and to the same officer, as is required by the act to which this is an amendment.

SEC. 4. That so much of the act to which this is an amendment as conflicts with the terms of this act, be and the same is hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 4, 1845.

AN ACT

To incorporate the Butler county Tollbridge Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That John Wilson, Christian Oxburger, Alexander P. Miller, Thomas Mitchel and William Bebb, of Butler county, and their associates, be and they are hereby created a body corporate and politic by the name and style of the Butler county Tollbridge Company, and as such shall remain and have perpetual succession; and, by their corporate name, may contract and be contracted with, sue and be sued, answer and be answered, plead and be impleaded, defend and be defended, in any court having competent jurisdiction; and may have a common seal which they may change or alter at pleasure.

SEC. 2. That the said corporation be and they are hereby authorized to erect a tollbridge across the Great Miami River, at some point between the ford across said river, commonly known as Wilson's ford, and the stone house owned by McGowen's heirs; provided said company own the land on both banks of the said river where said bridge shall be erected, or shall obtain in writing from the owner or owners of the land whereon said bridge may be built, their consent to the building of said bridge, unless said banks should be a public highway.

SEC. 3. That the said company in erecting said bridge shall in no wise injure or interrupt the navigation of said river.

SEC. 4. That the company shall erect said bridge in a substantial manner, of proper width, and in all respects of sufficient dimensions and strength to admit of the safe passage of passengers, teams, and carriages, and complete the same within five years from the passage of this act.

SEC. 5. That after the completion of said bridge, as aforesaid, the said company are hereby authorized to demand and receive from passengers who may cross said bridge, not more than the following rates of tolls, to wit:

For each foot passenger, three cents.

For every horse, mule or ass, one year old and upwards, four cents.

For each horse and rider, twelve and one half cents.

For every chaise, chair, gig, or two wheeled pleasure carriage, with one horse and driver, twenty five cents; the same with two horses and driver, thirty seven and one half cents.

For every coach, chariot, or other pleasure carriage with four wheels, drawn by two animals, driver included, fifty cents; the same drawn by four animals, seventy five cents.

For every sled or sleigh, drawn by one animal, with the driver, eighteen and three fourth cents; for every animal in addition, six and one fourth cents.

For every wagon, drawn by two animals, with driver, thirty seven and one half cents; and for every animal in addition, six and one fourth cents.

For every head of neat cattle, six months old or upwards, two cents.

For every head of sheep or hogs, one cent; provided that all troops of the United States and of this state, with their baggage and stores, persons attending elections, or musters, all persons who are, or may hereafter be exempt from the payment of ferriage within this state, and persons attending

worship on Sundays, and all funeral processions may pass said bridge free from the tolls aforesaid; provided that nothing in this act shall be so construed as to exempt from the payment of tolls persons conveying the mails of the United States.

SEC. 6. That the proprietors of said bridge, previous to receiving any toll, shall set up and keep in a conspicuous place over or near the gate to be erected on said bridge, a board on which shall be painted or printed in a plain and legible manner, the rates of toll allowed by this act.

SEC. 7. That if said company shall demand and receive any higher or greater tolls than is by this act allowed, they shall be subject to the like fines and penalties which are or may be provided in cases of fines, and any future legislature may regulate the rates of toll to be taken at said bridge.

SEC. 8. That the said company shall have power to make such bylaws, rules and regulations for the government of all matters pertaining to said bridge as they may deem expedient, not inconsistent with the laws and constitution of the United States and of this state, or the provisions of this act.

SEC. 9. That this corporation and the members thereof, shall be subject to all the liabilities, restrictions, and provisions of the act entitled an act instituting proceedings against corporations not possessing banking powers and the visitatorial powers of courts, and to provide for the regulation of corporations generally, passed March seventh, one thousand eight hundred and forty two.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 6, 1845.

AN ACT

To amend the act entitled "An act to amend the act entitled an act to divide the township of Millcreek, in the county of Hamilton, into Election Districts," passed March 4, 1844.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall hereafter be the duty of the trustees of Millcreek township, in the county of Hamilton, at their annual meetings on the first Monday of March, to decide and determine the number of constables to be elected in the several election districts for the ensuing year in said township, and it shall be the duty of the township clerk within three days thereafter to post a notice at the usual place of holding elections in each of said election districts, stating the number of constables to be elected in each of the election districts, as aforesaid.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 6, 1845.

AN ACT

To clear Killbuck Creek, in the county of Wayne, of timber and other obstructions therein, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That the Killbuck Creek, be and the same is hereby declared a public highway, from the south line of Wayne county, to the north line thereof; provided, however, that the provisions of this act shall not extend to any milldam heretofore erected on said stream.*

SEC. 2. That any person who shall, after the taking effect of this act, willfully cut or fall any timber into said creek, or otherwise obstruct the current of the same, such person upon the plea of guilty before any justice of the peace of said county, or upon conviction or indictment in the court of common pleas of said county, shall be fined, by such justice or court having cognizance of the same, in any sum not exceeding the sum of twenty five dollars, or be imprisoned in the jail of said county for any time not exceeding twenty days, or both, at the discretion of the proper court; which fine shall be laid out by and under the direction of any supervisor of roads of any township in said county in which such offence may have been committed, in removing obstructions in said creek, or otherwise improving the channel and current of the same, for which purpose such fine or fines when collected, shall be paid over by any person holding the same, to the proper supervisor, whose duty it shall be to lay out and expend the same in the manner hereinbefore specified.

SEC. 3. That the inhabitants of the townships of Clinton, Franklin, Wooster, Plain, Chester, Wayne, Congress and Canaan, in said county, and each and every one of them, in his or their discretion, may discharge his or their liability for any road tax, road labor or militia fines to which such person or persons may become annually liable, or be entitled to pay or perform, for any period not exceeding five years after the taking effect of this act, by working out the same in clearing out the timber and other obstructions in said creek in any of said townships, at the rate of seventy five cents per day; and any supervisor of any of said townships, wherein such labor may have been performed, who shall be satisfied by proof or his own personal knowledge of the performance of such labor, shall give to the person performing such labor a certificate for the amount thereof.

SEC. 4. That any prosecution commencing for any offence, under the provisions of this act, shall be commenced and carried on according to the provisions of the existing laws of this state.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 6, 1845.

AN ACT

To incorporate the Wilmington and Toddsfork Railroad Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That* all persons who shall become stockholders, pursuant to this act, in the company hereby authorized, shall be and are hereby made a body corporate, under the name of the Wilmington and Toddsfork Railroad Company, with power to construct and maintain a railway, with a double or single track, with such appendages as may be deemed necessary for the convenient use of the same; commencing at any eligible point in or near the town of Wilmington, Clinton county, thence by the most practicable route to the Little Miami Railroad, intersecting the same at the most eligible point.

SEC. 2. The capital stock of said company shall be two hundred thousand dollars, which shall be divided into shares of fifty dollars each, and be deemed personal property.

SEC. 3. John L. Williams, Joseph Nicholson, William Morrow, Jonah Cadwallader, Benjamin Whitacre, and Benjamin Baldwin, of the county of Warren, David Linton, Charles Haines, William Hibben, Samuel Smith, Charles D. Hughes, Isaiah Morris, John Hazard, William Hadley, Seralia Wildman, Robert B. Harlan, Joseph H. Miller, George Morrow, James Dakin, Alfred Hadley, Joseph W. Hackney, Daniel C. Hinman, Thomas L. Carothers, Benjamin Hinkson and Aaron R. Sewell, of the county of Clinton, shall be commissioners for receiving subscriptions to the capital stock of the corporation, agreeably to the provisions of this act.

SEC. 4. It shall be the duty of said commissioners, within one year from the passage of this act, to give notice for three weeks in succession, in some newspaper printed in Wilmington, of the time of opening books for the subscription of said stock; and they shall open books at Wilmington, Clarksville, and such other places as they may deem fit; at each of which places one or more of said commissioners shall attend on the day fixed, and during the pleasure of said commissioners, but not less than three days successively, shall continue to receive subscriptions to the capital stock of said corporation, from all persons or companies, who will subscribe thereto in conformity with the provisions of this act.

SEC. 5. Each subscriber, at the time he subscribes, shall pay to the commissioners five dollars on each share of the stock subscribed by him.

SEC. 6. If at the expiration of the time mentioned in the fourth section of this act it shall appear that more than the requisite number of shares have been subscribed, it shall be the duty of the commissioners to distribute the same among the subscribers, deducting the excess from the largest sums subscribed; and if at the expiration of said time, the amount subscribed shall be less than seventy five thousand dollars, the commissioners shall take further measures to fill the subscriptions to that amount, when the books shall again be closed.

SEC. 7. As soon as may be, after the closing of the books, the commissioners shall give notice of the time and place at which a meeting of the stockholders will be held for the choice of directors; such notice shall be published in one or more newspapers in general circulation along the route of said road; at the time and place appointed for such election, the commis-

sioners, or some of them, shall attend, and the stockholders, or their proxies duly appointed in writing, shall proceed to elect by ballot seven directors; the commissioners present shall preside at the election, and certify the result in writing, and their certificate, recorded in the books of the corporation, shall be evidence of the election of the directors therein named; all subsequent elections shall be conducted in the manner prescribed by the bylaws of said corporation.

SEC. 8. Each stockholder shall be allowed as many votes as he owns shares of stock at the commencement of any election of directors, and a plurality of votes shall determine the choice; but when two or more persons shall have the same number of votes, then the choice between them shall be determined by lot.

SEC. 9. The directors shall hold their offices for one year, and until their successors are elected and qualified; they shall appoint one of their own number president, and some suitable person as secretary of the corporation; they shall also appoint all such officers and agents as the convenience of the company may require.

SEC. 10. The directors shall have power to cause such examinations and surveys of the route for said railroad to be made as may be necessary to the selection, by them, of the most advantageous line, course or way, for the construction of said road; and the board of directors shall, as soon thereafter as practicable, select the route on which said road shall be constructed.

SEC. 11. The corporation is hereby empowered to purchase, receive and hold such real estate as may be necessary and convenient in accomplishing the object for which the corporation is granted; and may, by their agents, engineers, and surveyors, enter upon such route, place or places selected as aforesaid, by the directors, as the line whereon to construct said railroad; and it shall be lawful for said corporation to enter upon, and take possession of, and use all such lands and real estate, as may be indispensable for the construction and maintenance of said railroad, and the accommodations requisite to and appertaining to them; and may also receive, take and hold all such voluntary grants and donations of land, and real estate as may be made to said corporation, to aid in the construction, maintenance, or accommodation of said road or ways; but all lands or real estate thus entered upon, and used by said corporation, and all earth, timber, gravel and other materials needed by said company, shall be purchased of the owners thereof, at a price to be mutually agreed upon between them; and in case of disagreement of the owner as to the price of any lands or materials so required for said road, or if the owners are under any disability in law, to contract, or are absent from the county, application may be made, either by said owners, or by said corporation, to any judge of the court of common pleas of the county, within which said lands or materials may be, specifying the lands or materials so required; and, thereupon, said judge may issue his warrant in writing, directed to the sheriff of the county, requiring him to summon three freeholders of the county, who shall not be stockholders, nor interested therein, to appear at, and upon actual view, value said land or materials, on a day named in said warrant, not less than five, nor more than ten days after issuing the same; and if any of the persons do not attend, the said sheriff may forthwith summon as many as may

be necessary to fill said inquest; and the persons so impanneled, shall, on their oaths or affirmations, value the damages which the several owners will sustain by the use or occupation of the lands, or materials, or property required by said company; and said inquest shall reduce their valuation to writing, and such valuation, when paid, or tendered to said owners, shall entitle said company to the materials, use and occupation of said lands for the purpose of said road, and all the estate and interest therein as fully as if it had been conveyed by the owners of the same, and every sheriff and freeholder, so acting, shall receive one dollar per day for his services, to be paid by the company; either party may, within ten days after such valuation is made, appeal from the same to the court of common pleas of the county, by giving notice thereof, to the opposite party, or by filing in the clerk's office a copy of such valuation, with a notice thereto attached, and said court may, for good cause shown, order a new valuation, and on final hearing, the court shall award costs according to equity.

SEC. 12. Whenever it shall be necessary for the construction of said railroad, to intersect or cross any stream of water, or watercourse, or any road or highway, lying in or across the route of said road, it shall be lawful for said corporation to construct said railway across, or upon the same; but the corporation shall restore the stream, or watercourse, or road or highway, thus intersected, to its former state, or in a sufficient manner not to impair its usefulness; and if said corporation, after having selected a route for said railway, find any obstacle to continuing said location either by the difficulty of construction, or procuring of the right of way at reasonable cost, or whenever a cheaper and better route can be had, it shall have authority to vary the route, and change the location.

SEC. 13. It shall be lawful for the directors to require payment of the sums to be subscribed to the capital stock, at such time, and in such installments, as they shall see fit; and if the installments remain unpaid for sixty days after the time of payment has elapsed, the board may collect the same by suit, or shall have power to sell the stock at public auction, for the installments then due, giving twenty days notice of the time and place of sale, by advertisement in some newspaper in general circulation in the county where such sale is to be made, and after deducting the amount due, as aforesaid, and the costs of said sale, the residue of the price obtained shall be paid over to the former owner.

SEC. 14. That said company may demand and receive for tolls upon and transportation of goods, merchandise, produce or property of any kind whatsoever, transported by them along said railway, any sum not exceeding the following rates: On all goods, merchandise or property of any description, transported by them, a sum not exceeding one and one half cents per mile for toll, five cents per ton per mile for transportation, and for transportation of passengers, not exceeding three cents per mile, for each passenger; and all persons paying the tolls aforesaid, may, with suitable and proper cars, transport persons and property on said railroad, subject to the rules and regulations of said company, as to the construction and speed of said cars, and the regulation of the motive power.

SEC. 15. That said company, and the Little Miami Railroad Company, are hereby authorized and empowered to make any contract with each other in relation to the construction of said road, or any part thereof,

or in relation to the running of cars, and the transportation of persons and property, upon their respective roads, or upon any other subject pertaining to the business of said companies, that their respective boards of directors may deem to be to the mutual interest of said companies.

SEC. 16. The directors of said company shall, semiannually, make and declare a dividend of the profits arising from the business of the company, after deducting their present liabilities, and the current and probable contingent expenses, and divide the same among the stockholders in proportion to the number of their respective shares.

SEC. 17. The eighth section of this act shall not be so construed as to allow any stockholder to have more than one vote for every two shares that said stockholder may own, over ten, and one vote for every five shares that said stockholder may own over twenty.

SEC. 18. If the subscribers to the company hereby created, shall not become so far organized as to elect a board of directors within three years from the passage of this act, and within one year thereafter, make bona fide contracts for the construction of at least one fourth of said road, the privileges of said corporation shall cease, and this act be void; and if said company shall not complete said road within seven years, the further privilege of constructing the same shall also cease and revert to the state.

SEC. 19. If any person or persons shall willfully and maliciously injure the said road, or any building, machine, or other works of said corporation, pertaining thereto, the person or persons so offending shall forfeit and pay to said corporation double the amount of damages sustained by means of such offence, injury, or obstruction, to be recovered in the name of said corporation, with costs of suit, in any court having cognizance thereof; and shall also be subject to indictment in the court of common pleas, in the county where the offence was committed, and, upon conviction thereof, shall be punished by fine not exceeding two hundred dollars, or imprisonment not exceeding thirty days, or both, at the discretion of the court.

SEC. 20. That said company shall be capable in law, of purchasing, holding, selling, leasing and conveying, by their corporate name, estates, real, personal and mixed, so far as the same shall be necessary for the purposes herein before mentioned, and no further; and shall have perpetual succession, and by said name may contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, and may also make, have and use a common seal, and the same alter, break or renew at pleasure; and said company is hereby vested with all the powers and privileges which are, by law, incident to corporations of a similar nature, and which are necessary and adapted to carry into effect each and all of the powers by this act granted.

SEC. 21. The board of directors shall have power to fill vacancies that may happen in their number, by death, resignation, or otherwise; and it shall take five directors to constitute a quorum to do business.

SEC. 22. No director, engineer, secretary, or treasurer, or other officers of said company, shall be allowed to become a contractor, directly or indirectly, for making or constructing, or for furnishing any materials for said road, or any part thereof; and any contract made by them, or either of them, for constructing, or for furnishing any materials for any part of said road, shall be void and of no effect; and shall, moreover, cause a forfeiture

of office to the officer offending against this section, and shall render him or them forever ineligible to election, or appointment as an officer in, or agent of, said company.

SEC. 23. That said corporation shall not have power to contract debts to an amount greater at any time than their means actually on hand, together with their means which may reasonably be expected to accrue within one year thereafter.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 6, 1845.

AN ACT

To incorporate the Bainbridge Hook and Ladder Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That* C. B. Cobb, Daniel Kelley, J. P. Brown, E. Fleming, J. D. Miller, James Slater, H. Black, and T. Slater, their associates, and those who may hereafter associate with them, with their successors, be and they are hereby created a body politic and corporate, under the name and style of the Bainbridge Hook and Ladder Company, number one, and, as such, be competent to contract and be contracted with, to sue and be sued, in all courts of this state, they shall have power to acquire and hold property, real, personal and mixed, to the value of not more than one thousand dollars, and the same to sell and convey at pleasure.

SEC. 2. That said company may have a common seal, the same to alter or amend at pleasure, and shall have power to make and enforce such by-laws, not inconsistent with the constitution and laws of the United States or of this state, as they may deem proper for the organization and good government of its members, and the management of their corporate affairs.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 6, 1845.

AN ACT

To incorporate the Cincinnati Horticultural Society.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Robert Buchanan, George W. Neff, John Frazer, Samuel Medary, S. C. Parkhurst, A. H. Ewing, Reuben Wood, A. H. Ernst, Dr. M. Flagg, S. S. Smith, Jacob Hoffner, George Graham, S. S. Jackson, John Sayers, John B. Russell, Charles W. Elliott, their associates and successors, be and they are hereby incorporated, by the style of the Cincinnati Horticultural Society, for the purposes of encouraging and improving the science and practice of Horticulture, and promoting the amelioration of the various species of trees, fruits, plants and vegetables, and the introduction of new species and varieties, and for no other purpose whatever, with power to make bylaws, not inconsistent with the laws of this state, for the regulation of said society, to receive donations and bequests, for promoting the objects of said society, to lay and collect assessments on the members, not exceeding two dollars per annum, to enforce the payment of such assessment by suit; to purchase, receive, occupy, hold and convey any real or personal estate, which may be proper to carry out the objects of their association, to elect officers and appoint agents, to transact the business, manage and apply the funds, discharge the functions, and promote the objects thereof, and to commence and defend suits, and to use a corporate seal.

SEC. 2. That said society be and they are hereby authorized to dedicate and appropriate any part of the real estate, to be purchased by them, as, and for a rural cemetery or burying ground, and for the erection of tombs, cenotaphs, and other monuments, in memory of the dead, and, for this purpose, to lay out the same in suitable lots, and to plant and embellish the same with shrubbery, flowers, trees, walks, and rural ornaments, and whenever said society shall so lay out and appropriate any of their real estate for a cemetery, as aforesaid, the same shall be deemed a perpetual dedication thereof, for the purposes aforesaid; and the real estate, so dedicated, shall be held for such purposes and for none other, and shall be exempt from all taxes forever; that said society shall have authority to convey to any person or persons any of the lots aforesaid, upon such terms and conditions, and subject to such regulations as the said society shall, by their bylaws and regulations prescribe.

SEC. 3. That the three first persons named in the first section of this act shall have power to call the first meeting of the corporators, and organize the corporation.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 27, 1845.

AN ACT

Authorizing the personal representatives of Micajah T. Williams, late of Hamilton county, deceased, to complete the contracts said Williams made in his lifetime, relative to real estate, and for other purposes.

Whereas, Micajah T. Williams, late of Hamilton county, departed this life sometime in the year 1844, seized of a large real estate lying in different counties in the state of Ohio; and, whereas, the said Williams, at the time of his death, was indebted to a very large amount over and above what his personal property will be sufficient to satisfy; and, whereas, the said Williams was also possessed of divers stocks and choses of great value, so situated as not to be advantageously managed under the common forms of administration in this state; and, whereas, in order to settle said estate and pay the debts as well as the taxes which are now due and will hereafter accrue upon the lands belonging to said estate it will be necessary to raise a large sum of money by the sale of lands, and owing to the depressed price of real property, and difficulties, expense, embarrassment and delay of effecting public sales under the order of the several courts, it will be impossible to discharge the debts of said estate and pay the taxes unless by a great sacrifice of the interest of the heirs—Therefore, the better to enable the administrators of the estate aforesaid, to settle the same in the most speedy and advantageous manner—

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Hannah J. Williams and Charles H. Williams, administrators of the estate of Micajah T. Williams, late of Hamilton county, deceased, be and they are hereby authorized to sell so much of the stocks and lands owned by said Williams, at the time of his decease, as may be sufficient to discharge the debts of said Williams and pay the taxes yearly accruing on the residue of said lands belonging to the heirs, and all conveyances and contracts which shall be made by the said Hannah J. or Charles H. Williams, for and concerning the stocks or lands as aforesaid contracted or sold, as administrators, shall be as good and available in law to effect or pass the title thereto as though the same had been executed by the said M. T. Williams, in his lifetime; provided that before the said Hannah J. and Charles H. Williams shall contract or convey any of said stocks or lands, by virtue of this act, they shall give bond with sufficient security, to the satisfaction of two of the associate Judges of Hamilton county, and new bond and additional security may be ordered by said court when they shall from time to time deem requisite, conditioned for the faithful performance of the trust reposed in them by the provisions aforesaid, which bond shall be made payable to the county treasurer for the use and benefit of the creditors and heirs of said Williams, and shall be lodged with the county clerk.

SEC. 2. That in all cases where the said Micajah T. Williams was bound at the time of his death either in law or equity to make deeds to any person or persons for land sold during his lifetime, or otherwise, it shall be lawful, and the said Hannah J. and Charles H. Williams, as administrators, are hereby authorized to make and execute such deeds which shall be as good and effectual in law to pass the title thereto as if the same had been executed by said Williams in his lifetime.

SEC. 3. That the said Hannah J. or Charles H. Williams, administra-

tors, as aforesaid, be and they are hereby authorized and empowered to ask, demand and sue for, and recover, in the name and for the use, and at the proper costs and charges of the heirs of said intestate, all titles to land which the said heirs are or may be entitled to either in law or equity during the infancy of any of said heirs, by virtue of any contract or purchase made by the intestate.

SEC. 4. That said Hannah J. Williams or Charles H. Williams, administrators, as aforesaid, shall be, and hereby are authorized and empowered to sue for and collect all choses, and prosecute all rights of action in favor of the estate, and when deemed for the interest of said estate, to compromise any claims belonging to said estate, to receive payment in part or in whole therefor in other claims or choses in action or property of any description, or to sell or assign or manage the same as the interests of the estate may require, and the same shall be as valid and effectual in law as if done by the said Micajah T. Williams while living; provided that nothing in this act shall be taken to invalidate, or in any way affect the liens of any description which exist in or upon any of the assets real or personal of the estate of said intestate.

SEC. 5. That the said Hannah J. or Charles H. Williams, administrators, as aforesaid, be and are hereby authorized to make partition of all lands in behalf of said heirs and creditors, and for their use, with any person or persons with whom said heirs hold land in partnership, or as tenants in common, which partition if made with the consent of said administrators and the person or persons interested as partners or as tenants in common with said heirs, as aforesaid, shall be deemed as good and valid in law as if the same had been made by the intestate in his lifetime.

SEC. 6. In case of the death, resignation or removal of either of said administrators, the powers by this act conferred to them may be exercised by the survivor in said capacity, and in case of the death, resignation or removal of both, the same powers may be exercised by the administrator de bonis non, to be appointed.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 6, 1845.

AN ACT

To amend the act entitled an act to incorporate the Dayton and Germantown Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That the Dayton and Germantown Turnpike Road Company, are hereby authorized, if they should deem it advisable, to commence said road at some suitable point on the Dayton and Western Turnpike Road.*

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 6, 1845.

AN ACT

incorporate the Madriver and Great Miami Railroad Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That all persons who shall become stockholders, pursuant to this act, in the company hereby authorized, shall be and they are hereby made and constituted a body politic and corporate, under the name and style of the Madriver and Great Miami Railroad Company, with perpetual succession, and, by that name and style, shall have all the powers, rights and liabilities, incident to railroad corporations, and shall be capable in law to hold, purchase, acquire, receive, enjoy and possess such real and personal estate, and to acquire and retain to them, their successors and assigns, all such lands, tenements and hereditaments as shall be requisite and convenient for their accommodation in the transaction of their business, and also, such as may be in good faith, conveyed to said company by way of security, or in satisfaction of debts, or by donation or purchase, and the same or any portion thereof, to grant, bargain, sell, convey or lease, or otherwise dispose of, to sue and be sued, to plead and be impleaded, answer and be answered unto, defend and be defended in any courts in this state, to have and use a common seal, and the same to break, alter, renew or change at pleasure.*

SEC. 2. *The capital stock of said company shall be divided into twenty thousand shares of fifty dollars each, and at the time of making subscriptions thereunto, the subscribers thereto shall pay the sum of five dollars on each share, and the remainder of such subscriptions shall be paid in such installments, and at such times as the board of directors may determine.*

SEC. 3. *John C. Pearson, William Runkle, Joseph Vance, John Hamilton, David Gwynne, Jacob H. Patrick, John Stinebarger, of Champaign county, Samuel B. Williams, Edward T. Weakly, George Croft, Jacob Sharde, James Lamme, Michael Minnick, William B. Serviss, J. Hershey, and Reuben Wallace, of Clark county, John Kneisley, William P. Huffman, William Stephen Hagenbuck, of Greene county, Warren Manger, Jonathan Harshman, Sen., Samuel Sate, Jacob Wagoner, Joseph Bunn, John Howard, Henry L. Brown, Daniel Beckel, Samuel D. Edgar, George E. Davies, William Raymond, Edward W. Davies, Samuel Siner, and Charles Swaine, of Montgomery county, are hereby appointed commissioners, who, or any eight of them, are hereby authorized, after having given notice by advertisement, in one or more newspapers, published in each of the said counties, and in one or more newspapers, published in the city of Cincinnati, of the times and places of meeting, to proceed to open books of subscription, to the capital stock of said company, at Urbana, Dayton and such other places, as they may deem fit, and to receive subscriptions therefor, and the installments payable thereon, and may keep open said books of subscription so long as said commissioners may deem expedient, and said commissioners or five of them, shall be inspectors of the first election for directors hereinafter directed.*

SEC. 4. *Whenever not less than five hundred shares of the capital stock of said company shall have been subscribed, the subscribers thereof, within thirty days after notice thereof having been given by advertisement in one or more newspapers, published in the counties of Champaign and Montgomery, at a day and place to be named in such notice, shall proceed to*

elect twelve of their number, who shall each be subscribers in their own right of not less than ten shares each, and citizens of the United States, who shall constitute the board of directors; in which election, and all subsequent elections, every share shall be entitled to one vote; and two thirds of the number of such directors shall form a quorum for the transaction of business; but after the first election, no share shall be entitled to a vote on which any installment shall be due and unpaid.

SEC. 5. The directors elected at the first election shall hold their offices for one year, and until the first Monday in July next thereafter, and until their successors shall be elected and qualified, and all subsequent elections shall be held on the first Monday of July, annually, and the directors then chosen shall hold their offices for one year, and until their successors shall be elected and qualified; provided that if the said company shall fail to hold an election on the day above mentioned, the said company shall not be deemed to have lost their corporate powers, but the board of directors may, on thirty days notice, by advertisement published as directed in the fourth section of this act, proceed to hold an election for directors, who shall hold their office until the first Monday in July next thereafter.

SEC. 6. The said directors, or a quorum thereof, shall within two weeks after each election proceed to choose one of their number as a president, who shall preside at each meeting of directors, and shall have a casting vote in all cases of equal division of opinion; and in case of the absence of the president, the directors present shall appoint one of their number as a president pro tempore, with the same powers as the president. The board of directors shall also appoint a treasurer, secretary, and such engineers and other officers as they may deem proper, and the same to remove and others to appoint in their stead at discretion, and to require such security from such officers as they may deem necessary for the interests of the company; the board of directors shall have power to pass all such bylaws not inconsistent with the laws of this state, for the government of themselves and their officers and servants, the mode of transferring stock, and of collecting tolls and charges for transportation, for regulating the description of carriages to be used on said road, and the times, speed and manner in which goods and persons shall be transported thereon, as the said directors may deem expedient, and they may erect convenient tollhouses, warehouses and such other buildings and fixtures as the nature of their business may require, and may from time to time make dividends of the net earnings of their business to the stockholders.

SEC. 7. The directors of said company shall have power to examine and survey routes for the location of a railroad, and to construct and lay down a railroad, with a single or double track, commencing in the city of Dayton, in Montgomery county; thence by the most practicable route to Urbana, in Champaign county, or to such point on the Madriver and Lake Erie Railroad, near Urbana, as may be agreed upon by the directors of the respective roads; and, further provided, that in case of such union, the companies owning such railroads, so united, cannot agree on an equitable arrangement respecting the division of labor and earnings, the supreme court, for Champaign county, shall appoint five disinterested freeholders of said county, who shall be commissioners to hear and determine all matters,

in difference respecting the said division of labor and earnings; and, further provided, that such company shall, at no time contract debts or liabilities to an amount greater than the amount of stock of the company at such time actually subscribed, and held by responsible stockholders, and remaining unexpended, inclusive of such profits or income as may reasonably be expected to accrue, within one year from the time of so contracting.

Sec. 8. The said company may construct such railroad across any highway or watercourse where it may be deemed necessary, but in such case it shall be the duty of said company so to construct such railroad as not to impede the passage or transportation of persons or property, upon such highway, and not to obstruct such watercourse, or impair the usefulness thereof, to the owner or the public; and when it shall be necessary to pass through the lands of any individual, it shall be the duty of said company to provide to such individual, proper wagon-ways across such railroad from one part of his lands to the other.

Sec. 9. That said company may demand and receive, for the transportation of persons and property on said railroad, the following rates and tolls, to wit:

For the transportation of persons, not exceeding three cents per mile for each person carried in carriages, belonging to said company;

For the transportation of property in carriages belonging to said company, not exceeding five cents per mile, for every ton, and in that proportion for a greater or less quantity;

For every person transported on or over said railroad, in carriages belonging to other persons than said company, not exceeding one and a half cents per mile, and for every ton so transported, not exceeding three cents per mile, including the weight of the carriage, and in the same proportion for a greater or less quantity; and every person or persons paying the rates of toll aforesaid, are hereby authorized to travel, and transport property on said railroad, with suitable and proper carriages, subject, however, to all such rules and regulations, as to the description of carriages, and the times and speed of traveling as may be prescribed by the board of directors of said company.

Sec. 10. The board of directors may determine the times, places and proportions, of payment of capital stock, under such conditions as they may deem proper, provided that the places of payment shall be in one of the counties of Champaign, Clark, Greene or Montgomery, notices of said times, places, and proportions of payment being advertised, as is required in section four of this act, with regard to time and place of holding elections, and in case of neglect or refusal to pay the proportions, required on any shares, for three months after the said payment shall have been so required, the directors may sell such stock to the highest bidder, at public auction, after giving notice as is above required in section four, and any overplus of such sale, after paying the installments due, and the proper charges of sale and notice, shall be paid over to the owner or owners of the shares so sold, or his or their legal representatives.

Sec. 11. The said company shall have the right to enter upon the lands of others to survey routes and lay down and construct such railroad, as is authorized by the seventh section of this act, not exceeding one hundred

feet in width, and to take any materials not previously appropriated by the owner to some other use, which may be necessary for the construction of said road, and in case the said land or materials shall not be given or granted to said company, and the owner or owners thereof, or their legal representatives, shall not agree with said company as to the value thereof, the owner or owners thereof, or their legal representatives or authorized agents, may, in writing, apply to the clerk of the court of common pleas of the proper county, who, on receiving such application, shall issue a warrant to the sheriff of his county requiring him to summon a jury of five disinterested freeholders of the vicinity, to meet at a day to be named in said warrant, and not less than ten days after issuing the same, on the land or near the materials or other property to be valued, and in case any of such jurors shall fail to attend at the time and place of meeting, or refuse to serve, the sheriff shall fill up the pannel by summoning other disinterested freeholders of the vicinity; and said jurors, being first duly sworn or affirmed, shall proceed to assess the value of such land or materials, and shall reduce their assessment to writing, under their hands and seals, and return the same to the sheriff, and the payment or tender of the amount of such assessment to the owner or owners of such land or materials, or to his, her or their legal representatives, shall entitle said company to the lands or materials so assessed as fully as if the same had been conveyed by the owners thereof; and the said sheriff and jurors shall be entitled to the same fees, to be paid by said company, as are by law allowed for like services in appraising lands levied on by virtue of executions at law, and either party may appeal from the decision of said jury to the court of common pleas of the proper county, and the court shall proceed therein as in cases for appeals for damages in laying out state roads.

SEC. 12. The general assembly of the State of Ohio may authorize and empower any other railroad, now or hereafter to be incorporated, to unite and form a junction with the railroad to be built by this company; and in case the said companies shall not agree on the equitable division of labor and earnings, the same shall be determined by five commissioners, to be appointed by the supreme court, for the county of Montgomery, as is prescribed in the seventh section of this act.

SEC. 13. If the said company shall not commence the construction of said railroad within five years after the passage of this act, or shall not complete the same within ten years after such passage, this act shall be and become null and void, and in such event the land taken for the use of said company shall revert to the person or persons from whom the same was taken, or their heirs or assigns.

SEC. 14. If any person or persons shall willfully obstruct, or injure or destroy such railroad, or any part thereof, or appertaining thereto, or any of the buildings, fixtures or carriages, or engines constructed for the use or convenience of said company, each and every person so offending shall be liable for every such offence to treble the amount of damages sustained thereby, to be recovered by action of debt, in any court having jurisdiction to that amount.

SEC. 15. The general assembly of this state may impose such reasonable taxes on the dividends of this company as by law may be imposed on other railroad companies.

Sec. 16. The general assembly of this state may, at any time after the end of thirty years from the passage of this act, make provision by law for the repayment to said company of the amount expended by said company for the construction of said road, and the permanent fixtures thereto belonging, with legal interest, and a premium of twenty per cent. thereon, and on such payment, the said road, with such fixtures, shall vest in and become the property of the state of Ohio.

Sec. 17. This act shall, in all courts of this state, be deemed and taken to be a public act, and be construed accordingly.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.

DAVID CHAMBERS,
Speaker of the Senate.

March 6, 1845.

AN ACT

To amend the act entitled "An act to incorporate the Mechanics' Savings Institution, of Columbus Ohio," passed March 17, 1838.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the Mechanics' Savings Institution, of Columbus, shall be held and adjudged a banking company within the meaning of the act entitled "an act to incorporate the State Bank of Ohio and other banking companies," passed February twenty fourth, one thousand eight hundred and forty five, and, as such, shall be entitled to receive from the treasurer of state, circulating notes, and issue the same, and transact banking business during the term, under the conditions, and subject to the limitations, restrictions and liabilities prescribed by said act, relating to independent banking companies.

Sec. 2. Said company shall make out, acknowledge and cause to be filed and recorded as required of new associations by the above recited act, a certificate, which shall set forth the present amount of its capital stock and the amount to which the company shall elect to extend the same, which shall not be less, inclusive of its present capital, than seventy five thousand dollars, nor more than one hundred and fifty thousand dollars, and the amount of new capital shall be paid in as the remaining capital of banking companies after the payment of the first thirty per centum is required by said act to be paid in.

Sec. 3. In case the commissioners appointed by the above recited act shall not be in session at the time said company shall be prepared to have the condition of its affairs examined preparatory to the commencement of business, as a bank, under the provisions of said act, the governor is hereby authorized to appoint some suitable person as a special agent to make such examination, and if the governor shall be satisfied from the report of such agent, whether appointed by him or by said commissioners, that said company has an available capital actually paid in, including profits on hand, and deducting losses and bad debts, of twenty five thousand dollars, he shall issue his proclamation, setting forth that said company, having

complied with the provisions of this act, is entitled to receive and issue notes for circulation, and to transact business as an independent banking company, subject in all respects to the provisions of the act incorporating the State Bank of Ohio, and other banking companies, and said company shall thereupon be entitled, upon depositing with, and transferring to the treasurer of state, certificates of the funded debt of this state, either foreign or domestic, or of the United States, in amount as compared with its capital stock, gold and silver coin or their equivalent, as required by the above recited act of independent banking companies, to receive from said treasurer circulating notes, as in said act provided.

SEC. 4. The name of the institution or company, shall hereafter be the City Bank of Columbus, provided such change of name shall not in any wise affect any liability, claim, right or demand, now existing of, for or against said institution or company, but the same shall be valid, and shall be prosecuted in the same manner as if this act had not been passed.

SEC. 5. This act shall take effect as soon as two thirds of the directors of said institution or the owners of a majority of its capital stock shall make out and file with the secretary of state a certificate, setting forth their acceptance of its provisions; and all such parts or provisions of the act to which this is an amendment as are inconsistent with the provisions of this act are hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 6, 1845.

AN ACT

To fix the fees of gaugers and inspectors of domestic spirits, in the county of Hamilton.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That from and after the passage of this act, the gaugers and inspectors of domestic spirits, appointed within the county of Hamilton, shall be entitled to charge and receive for gauging and inspecting a single barrel of domestic spirits, twelve and a half cents; for gauging and inspecting each barrel, where the number is less than six, five cents; for each barrel, where the number is more than six, three cents; for gauging and inspecting empty casks, two and a half cents each, and no more; any thing in any act heretofore passed to the contrary, notwithstanding.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate

March 6, 1845.

AN ACT

To incorporate the Muskingum Lodge Number Twenty Eight, of the Independent Order of Odd Fellows, at Zanesville, Ohio.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That George B. Reeve, Lambert Thomas, Jonathan R. Johnson, Jacob Littel, Robert Howard, John R. Worman, Elias Pike, Joseph McCartney, John A. Blair, and John Metcalf, and their associates, members of the Muskingum Lodge, Number Twenty Eight, of the Independent Order of Odd Fellows, of the state of Ohio, and their regular successors, be and they are hereby created a body corporate and politic, for the term of thirty years in succession, by the name and style of the Muskingum Lodge, Number Twenty Eight, of the Independent Order of Odd Fellows, of the state of Ohio, and by that name shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, defend and be defended, in all courts and places, and in all matters whatever, with full power, and lawful authority, to acquire, hold, use, occupy and enjoy, by purchase, gift, grant or devise, real and personal property not exceeding in amount the sum of ten thousand dollars, and the same to sell, convey and improve, by erecting a building in said town of Zanesville; to make, have, and use a common seal, and the same to break, alter or renew at pleasure; to appoint, or elect such officers as they may deem necessary; to prescribe their general duties, and require of them such security as they may deem proper to secure the faithful performance of their duties, and they may renew them at pleasure; to make ordain, establish, and put in execution such bylaws, rules and regulations, not inconsistent with the laws of this state, as shall be necessary for the good government of said society, and the prudent and official management of its concerns.*

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,

Speaker of the Senate.

March 6, 1845.

AN ACT

For the relief of Jonathan D. Shultz, of Townsend township, in the county of Sandusky.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That the directors of school district number two, in Townsend township, in the county of Sandusky, be and they are hereby authorized to assess a tax upon said district sufficient to remunerate Jonathan D. Shultz for the amount of damages that said Shultz sustained as treasurer of said district at the suit of William Bebee.*

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,

Speaker of the Senate.

March 6, 1845.

AN ACT

To legalize and confirm a mortgage made by the Trustees of Monroe Academical Association, to the Fund Commissioners of said county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That the mortgage executed by the trustees of the Monroe Academical Association, on or about the twenty seventh day of March, one thousand eight hundred and forty three, to the Fund Commissioners of Monroe county, for the sum of six hundred dollars, be and the same is hereby legalized and confirmed to all intents and purposes; and the rights acquired by the Fund Commissioners of said Monroe county, by virtue of said mortgage, shall not in any court of law or equity in this state, be considered invalid or unauthorized, any former law to the contrary, notwithstanding; provided this act shall not be so construed as in any manner to discharge or impair the obligation of said county to refund to the state the proportion of the state's surplus revenue, deposited with said county.*

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

February 25, 1845.

AN ACT

To authorize the sale of School Section Sixteen, in township four, north, range three, east, in Delaware township, in the county of Williams.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That school section number sixteen, in township four, north, range, three, in Delaware township, in the county of Williams, be and the same is hereby authorized to be sold, and such sale shall in all respects be governed by the provisions of an act entitled "an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto," passed February second, one thousand eight hundred and forty three; provided said land shall not be sold for less than five dollars per acre.*

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

February 25, 1845.

AN ACT

To incorporate the city of Sandusky, in Erie county, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That* so much of the township of Portland, in the county of Erie, as is contained within the following bounds, to wit: beginning in the center of Sandusky Bay, at a point half a mile east of the northern corner of the easterly boundary of the town plat of Sandusky, (as now recorded among the records of Huron county,) running thence in a direct line parallel with the eastern boundary of said town plat, until said line strikes the shore of Sandusky bay; thence in a direct line at right angles with the eastern boundary of said town, until a line so drawn, shall intersect said eastern boundary; thence along said eastern boundary in a direct line to the southeast corner of the annexation to Sandusky plat, called Southwark; thence westerly along the south line of Southwark, and on a line in the same direction with said line to a point opposite to the south end of Shelby street; thence in a direct line to the southeast corner of the recorded plat of the Western Liberties, so called, and from thence westerly along the southern boundary of said Western Liberties to the western boundary thereof; thence northerly along said western boundary to the shore of Sandusky Bay; thence on a line parallel with the eastern boundary of the recorded plat of the town of Sandusky, to the center of said bay, and from thence easterly along the center of said bay to the place of beginning, shall be and the same is hereby declared to be a town corporate, and the inhabitants thereof are hereby created a body politic and corporate, with perpetual succession, by the name and style of Sandusky City, and shall, in all respects, be governed by the provisions of an act entitled "an act for the regulation of incorporated towns," passed February sixteenth, one thousand eight hundred and thirty nine, except as hereinafter provided.

SEC. 2. The said Sandusky city shall be and is hereby divided into three wards or election districts, as follows, to wit: the first ward or district shall consist of all that part of said Sandusky city which lies east of Columbus Avenue; the second ward or district shall consist of all that part of said Sandusky city which lies west of Columbus Avenue and east of Lawrence street; and the third ward or district shall consist of all that part of said Sandusky city which lies west of Lawrence street, including the Western Liberties.

SEC. 3. The government of said Sandusky city shall be vested in a mayor, recorder and nine councilmen, any seven of whom, exclusive of the recorder, shall constitute a quorum for the transaction of business; each ward to elect three councilmen, who shall be electors, and reside in the wards in which they shall be elected. The said mayor, recorder and councilmen, shall be elected annually, on the first Tuesday of April in each and every year, and they shall hold their respective offices until their successors are elected and qualified; and the said mayor, recorder and council shall exercise all the powers and be invested with all the privileges of the mayor, recorder and trustees of incorporated towns, under the general law in addition to those herein granted, and shall be subject to the same duties and liabilities, provided that the mayor shall only be entitled to a casting vote when the council is equally divided, and the recorder shall not

be entitled to a vote except to give the casting vote when acting as mayor.

SEC. 4. The first election of mayor, recorder and councilmen, under this act, shall be held at such place in the several wards, as the present mayor and council of the town of Sandusky may direct, who shall also appoint the judges of said election for the several wards; and the judges of said election, so appointed, shall appoint their own clerks; and in case such appointments shall not be made, then, and in that case, the said election shall be held on the day aforesaid, in the several wards, as nearly in conformity as may be to the provisions of the general law in relation to incorporated towns. And annually thereafter, the said election shall be held in the several wards, at such places as the mayor, recorder and councilmen may appoint; and the said councilmen shall be judges of election in their respective wards, and shall appoint clerks of the election. The said several clerks of election, so to be appointed as above, shall forthwith, at the first election, and at every subsequent election to be held under this act, certify the true returns of said election in their respective wards, to the mayor and recorder of said Sandusky city; which said certificate shall be verified by the judges of election under their seals. And the said mayor and recorder shall forthwith canvass the votes given for mayor and recorder, and notify, in writing, immediately after such canvass, the persons elected to said offices; said returns, so to be made as above, shall, at the first election, be made to the present mayor and recorder of Sandusky, who shall have power to act in the premises.

SEC. 5. The common council of said Sandusky city, shall have power, whenever in their judgment the best interests of the said city and its inhabitants shall require it, to cause the sidewalks and the sidegutters to the same to be flagged and paved according to a grade to be established for that purpose, or they may cause the sidewalks to be curbed and graveled where, in their opinion, the public interest will warrant such improvement; and when it shall deemed expedient by the said common council to curb, gravel, flag or pave any of the sidewalks or gutters of said city, they shall pass a resolution or ordinance to that effect, describing the streets or parts of street, or other public grounds so to be improved, and the particular kind, quality and mode of improvement; and the said common council shall forthwith, after the passing of such resolution or ordinance, give notice in some newspaper published in said city, for six consecutive weeks, in which notice they shall describe the proposed improvement, its extent, kind and quality; and the said notice shall give the names, as far as known, to the said council, of the owner or owners of lots bordering or abutting on said streets or other public grounds, and shall require said owners to make, or cause to be made, such proportion of the proposed improvement or improvements as may be situated opposite their respective lots, to be done under the direction and superintendence of the said common council or their subordinate officers; and the said owner or owners of the said lots shall, within sixty days after the expiration of the said six consecutive weeks, under the direction aforesaid, make or cause to be made, all that portion of the said improvement according to the directions contained in the said notice, which shall be situated opposite their respective lots; and if the said owner or owners shall neglect or refuse to make, or cause to be made, said improvement within the sixty days aforesaid, then the said com-

mon council shall forthwith cause the said improvement to be made, and paid for out of any money in the treasury of said city not otherwise appropriated; and the said council shall cause an accurate account of the cost of making said improvement, opposite each lot respectively, to be kept; and the cost of said improvement, together with ten per cent. penalty thereon, shall be charged against each lot respectively, and the same shall constitute a lien which shall in no measure be defeated by any sale or transfer of said property; and for the collection of which the said lot or lots may be sold in the same manner that other lands are sold for taxes, and under the same provisions contained in the ninth section of the act for the regulation of incorporated towns, passed February sixteenth, one thousand eight hundred and thirty nine.

SEC. 6. The common council of said Sandusky city shall have the custody and control of all the real and personal estate, and other corporate property belonging to the said city, its public buildings, rights and interests; and the title in fee of all streets, alleys, squares, market places, lanes, avenues, and all other public grounds within the boundaries of said town, is hereby vested in said common council, in trust for the uses and purposes specified in the record of said plat and no other; and the said common council may make such orders, regulations and provisions for the maintenance and preservation thereof as they may deem expedient, not inconsistent with the constitution and laws of the United States and of this state; it shall, also, be the duty of said common council to suppress and restrain disorderly and gaming houses, billiard tables, and other devices and instruments of gaming; to prevent and punish immoderate riding and driving in any street, or any other highway in said city; to abate and remove nuisances; to prohibit bathing in any public water within the city; to prevent the incumbering of any of the streets or highways of the town in any manner whatever; to regulate the keeping and carrying of gunpowder and other combustible materials; to establish, alter and regulate markets, but no tax or other charge shall be assessed upon market wagons; to regulate the vending of meats, vegetables, fruits and fish, and the time and place of selling the same, weighing and selling hay, measuring coal, cord wood and other fuel, lumber and shingles; to regulate cartmen and cartage, porters, hacking carriages and their drivers, and limit their fees and compensation; to light the streets; to regulate and restrain the running at large of horses, cattle, dogs, or swine, and to establish and regulate one or more pounds, and to impose a tax on the owners of dogs; to establish and preserve public wells and cisterns, and to prevent the waste of water; to compel the keeping and return of bills of mortality; to regulate and exclusively license or prohibit all exhibitions and shows, and to exact such sum therefor as they may deem expedient; to restrain and punish vagrants, mendicants and common prostitutes; to establish and to settle the boundaries of all streets or highways of all kinds within the said city, and to prevent or remove all encroachments thereon; to regulate the speed of railroad cars, provided that this power shall not extend to prevent the construction of any railroad, by any incorporated company, into said city, according to the provisions of their charter, nor to impose any incumbrance, nor create any impediment in the way of the legal exercise of the powers and privileges of such railroad company; but said corporation may make such assessment against

the real estate of such railroad company, not inconsistent with the privileges granted by the charter thereof, as is made upon similar property owned by natural persons situate therein; and said corporation may compel, by ordinance, any such railroad company to make such improvements in the streets or thoroughfares as have been rendered necessary by making such railroad within said corporation; and the said common council shall have power and authority, and it is hereby made their duty to make and publish, from time to time, all such laws and ordinances as to them may seem necessary to suppress vice, provide for the safety, preserve the health, promote the prosperity, improve the order, comfort and convenience of said town and its inhabitants, and to benefit the trade and commerce thereof, as are not repugnant to the general laws of the state; and, likewise, they shall have power to regulate wharves, and the mooring of vessels in harbor, and to appoint a harbor master with the usual powers; and for the violation of any ordinance by them made by the authority of this act, the said common council may prescribe any penalty not exceeding one hundred dollars, and provide for the prosecution, recovery and collection thereof, and for the imprisonment of the offender in case of the nonpayment of such penalty, and that all fines and penalties so collected, shall be paid into the city treasury, for the use of said city.

SEC. 7. In all cases of sales of real estate for taxes, made either for the nonpayment of general taxes, assessed upon the taxable property of said city, by the authority of the common council, or for the nonpayment of moneys expended by the authorities of said town, for making improvements, under the provisions of the fifth section of this act, the deed therefor to be made by the recorder of said town, to the purchaser, shall, without the introduction of any other proof or evidence, be prima facie evidence of such title in the purchaser as it purports to convey; and such prima facie title in any purchaser shall not be defeated by any noncompliance with the provisions of the law under which any such sale is made, if it shall substantially be made to appear that at the time of any such sale the tax, for the payment of which such sale was made, was due and unpaid, or that the expenditures for the payment of which such sale was made was due and unpaid, or the expenditures for the payment of which said sale was made were a lien upon the premises sold under the provisions of the fifth section of this act, and were unpaid, that notice of such sale was given, that such sale was made at the time and place appointed in the notice, and that the premises, so sold, had not been redeemed within the time and in the manner prescribed by the general law in relation to sales for taxes.

SEC. 8. All the property, both real and personal, and all the debts, rights, claims, fines and forfeitures, which are now vested in, or owned by the mayor and common council of the town of Sandusky, shall inure to and vest in the corporation hereby created.

SEC. 9. The act incorporating the town of Sandusky, in the county of Huron, passed February fourteen, one thousand eight hundred and twenty four, the act to amend the act entitled "an act to incorporate the town of Sandusky," passed January thirty, one thousand eight hundred and twenty seven, and the act further to amend the act entitled "an act to incorporate the town of Sandusky," passed February twenty two, one thousand eight hundred and thirty, be and the same are hereby repealed, provided that all

rights, titles and liabilities, acquired or incurred under and by the said act, and amendments thereto, and under the ordinances made in pursuance of the authority thereof, shall remain unaffected by the passage of this act and repealing the said acts and amendments; provided, further, that the ordinances, passed under the authority of the said acts and amendments, shall remain in force until the same are repealed by the common council to be elected under this act; and that the present officers of said incorporated town of Sandusky shall hold their respective offices till an election shall take place under this act, and until the officers, so elected, or a quorum thereof, are qualified, and no longer. This act to take effect on the first day of April next.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 6, 1845.

AN ACT

For the incorporation of Ohio Division, number one, of the Sons of Temperance.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That George D. Biggar, James W. Hopkins, Joseph E. Cox, William P. Steele, H. V. Horton, J. Wozencraft, Justice Finch, George E. Stinger, Thomas J. Legg and H. R. Smith, their associates and successors, are hereby declared a body corporate and politic, by the name of the Ohio Division, Number One, of the Sons of Temperance; and, as such, shall be capable in law of suing and being sued, pleading and being impleaded in any action or suit, in any court having competent jurisdiction; to contract and be contracted with, to enact such bylaws and regulations as may be deemed proper for the government of the company; provided they be not inconsistent with the constitution of the United States, or the constitution and laws of this state; to purchase and possess property, whether real or otherwise, to an amount not exceeding fifteen thousand dollars, and to have and use a common seal, and the same to alter, renew or break at pleasure.

SEC. 2. Any future General Assembly shall have power to alter, amend or repeal this act when the public interest shall require it.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 6, 1845.

AN ACT

To incorporate the Millersburg and Wooster Plank Road Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Joseph Ankeny, James S. Irvine, John Jones, Peter Croco, Abner Purdy, Samuel R. Weirich and William R. Sapp, of the county of Holmes, and Cyrus Spink, Samuel R. Curtis, John Larwill, William Peppard, Thomas Robinson and Benjamin Jones, of the county of Wayne, and all other persons who shall become associated with them, by subscribing to the capital stock of said company, be and they are hereby constituted and declared to be a body politic, with perpetual succession, by the name and style of the Millersburg and Wooster Plank Road Company, for the purpose of constructing a Plank Road, from the town of Millersburg, in Holmes county, to Wooster, in Wayne county, taking the most eligible route. The said company is hereby authorized and empowered to have, and receive, purchase, possess, enjoy and retain lands, rents, goods, chattels and effects of any kind, to any amount, necessary to carry into effect the objects of the corporation, and the same to use, sell, alien and dispose of at pleasure, to sue and be sued, defend and be defended, in all courts having competent jurisdiction; to have and use a common seal, the same to alter, break and renew at pleasure, to ordain and establish such rules, regulations and bylaws not incompatible with the constitution of the United States or the constitution or laws of this state, as may be necessary for the well being of said corporation, subject, however, to the restrictions and limitations contained in this act.

SEC. 2. The capital stock of said company shall consist of seventy five thousand dollars, to be divided into shares of twenty five dollars each, and shall be transferable in entire shares, in such manner as the rules of the corporation shall prescribe, provided that no stockholder, without the consent of the directors, shall be at liberty to transfer his stock after any installment is ordered, until such stockholders shall have paid the amount due on his, her or their stock.

SEC. 3. That the persons named in the first section of this act, or in case they should not all choose to serve, then any number of them, not less than three, shall be commissioners to receive subscriptions to do and perform all necessary acts to organize the company, and they are hereby authorized and empowered to cause books to be opened at such times and in such places as a majority of those acting shall think proper to receive subscriptions to the capital stock of said company. The commissioners may, if they think proper, require ten per centum of the amount of each subscription to be paid at the time it is subscribed; and each subscriber shall be bound to pay, from time to time, such installments, on his, her or their stock, as the directors may lawfully require.

SEC. 4. That when one hundred and fifty shares shall be subscribed, the commissioners shall call a meeting of the stockholders, by causing notice of the time and place of such meeting to be published in some newspaper, of general circulation, in the places where the books shall have been opened, and the stock subscribed, for thirty days next preceding such time of meeting, and on such notice being given, the stockholders shall meet at

the time and place appointed, and select directors, and adopt such bylaws and regulations for the government of the corporation as shall be lawful and expedient, the stockholders to vote in person or by proxy, each share to be entitled to one vote.

SEC. 5. That the affairs of said company shall be managed by five directors or a majority of them, who shall be elected by the stockholders once in two years, unless a shorter period shall be ordained by the laws of the corporation, and they shall hold their offices until their successors shall be chosen and qualified, and each director shall be a stockholder at the time of his election, and shall cease to be a director when he ceases to be a stockholder; the directors shall have power to fill all vacancies in their own board, which shall happen from death or otherwise.

SEC. 6. That the directors, before entering upon the discharge of their duties, shall take an oath or affirmation, faithfully and impartially to discharge their duties; shall choose a president from among their number; shall appoint such other officers and agents as shall be provided for by the bylaws; determine upon any amount of any bonds that they may see fit to exact from any officers of the company, and pass upon their sufficiency; determine the amount of the installments to be called for, upon subscriptions; declare dividends and take the general charge and supervision of the affairs of said company.

SEC. 7. That it shall be lawful for said directors to enter upon and take possession of any lands, roads, streets, alleys, stones, timber and earth necessary for the laying out, and construction of said plank road, and all necessary appurtenances and appendages, doing no unnecessary damage; and, in all cases where the owner or owners, their agent or attorney, shall claim or demand damages for lands or materials so appropriated for the location, construction or repairs of said road, then, in that case, the said company shall, in all respects, be governed by the provisions of the act entitled "an act to amend the act entitled an act for the regulation of turnpike companies," passed March eleventh, one thousand eight hundred and forty three; and, provided further, that the said company shall not take possession of more than sixty six feet in width for said road.

SEC. 8. That whenever said company shall have constructed the said plank road, by covering the same with plank, not less than two inches and a half in thickness, and of sufficient width for the accommodation of teams, and shall have completed the same in a good and substantial manner, the same shall forever thereafter, be and remain a public highway, free for the passage of animals, teams and travelers of every description, on payment of such tolls as the board of directors may establish, from time to time, under the provisions of this act.

SEC. 9. That in consideration of the expenses, which said company will necessarily incur in constructing said road, with the appurtenances thereof, and keeping the same in repair, the said road and its appurtenances, together with all tolls and profits arising therefrom, are hereby vested in said corporation.

SEC. 10. That on every five miles of said road, when so much shall be completed according to the true intent and meaning of this act, the president and directors shall have power to erect tollgates, and ordain and establish a rate of tolls, which shall be paid upon all animals, teams, travelers

and property of every description, passing on said road, and for the collection of said tolls, they shall appoint collectors and erect gates, and may ask, demand and receive the said tolls under this act; provided, however, that they shall in no case exceed the rates now charged on the Western Reserve and Maumee road, to be graduated by the board of directors.

SEC. 11. That whenever the whole or five miles of said road shall be completed, the president and directors of said company may apply to the court of common pleas of any county through which said road may pass, whenever the same is in session, or to any judge thereof in vacation, not interested in said road, whose duty it shall be to appoint three disinterested freeholders, commissioners to examine said road, and if said commissioners shall be of opinion that said road is constructed according to the true intent and meaning of this act, they shall give to said president and directors a certificate thereof, which shall entitle said company to demand tolls under this act.

SEC. 12. The company shall be entitled to the benefit of all laws for the protection of turnpike roads, and the collection of tolls, which have been or may be passed by the legislature of this state, and shall be liable to all restrictions therein contained, not inconsistent with this act. Said company may at any time contract debts or liabilities to the amount of the stock of said company at such time actually subscribed and held by responsible stockholders and remaining unexpended.

SEC. 13. That in case said road shall not be commenced within two years, and at least five continuous miles finished within five years from the passage of this act, all privileges granted by this act shall be null and void.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 6, 1845.

AN ACT

To authorize the Trustees of the First Presbyterian Church of Martinville, in Belmont county, to convey certain real estate.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the First Presbyterian church of Martinville, in the county of Belmont, be and they are hereby authorized to sell and convey one half of the lot of ground in the said town of Martinville, on which the meeting-house of said church is erected.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 6, 1845.

AN ACT

To incorporate the Royalton Steam Mill Company, in the county of Lucas.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Shepherd Davidson, Jinks Morey, Eli Phillips, Charles D. Smith and E. C. Daniels, together with those who may hereafter become stockholders, their successors and assigns, be and they are hereby created a body corporate and politic, and to continue and exist as such, until the year one thousand eight hundred and sixty eight, and to be known and distinguished by the name and style of the Royalton Steam Mill Company, for the purpose of grinding all kinds of grain, manufacturing flour, sawing, carding, fulling, and cutting of laths, &c., together with all other business usually done by, and with such machinery, and, by that name shall be and are hereby made a body corporate and politic, with powers to have, purchase, receive, possess, enjoy and retain to them and their successors, all such lands, tenements and hereditaments, as shall be useful for their accommodation and convenience in the transaction of their business, and such as may be, in good faith, conveyed to them by way of security, or in satisfaction of debts, or purchase at sales upon judgments obtained for such debts, and the same to grant, rent, sell, or dispose of, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all courts, having competent jurisdiction; and also to make, have and use a common seal, and the same to break, alter or renew at pleasure.

SEC. 2. That the capital stock of said company shall be ten thousand dollars, in shares of fifty dollars each, to be subscribed and paid at such times, and in such proportions, and under such regulations and penalties as the bylaws and rules of said company may prescribe, and each share shall entitle the holder to one vote.

SEC. 3. That so soon as two thousand five hundred dollars of the capital stock shall have been subscribed under the direction of the corporators, or a majority of them, and said corporators shall moreover have formally accepted this charter, the names of the subscribers of stock, together with the amount taken by each, shall be recorded in a book to be kept by said company, in which all subsequent subscriptions of stock, and all transfers of stock shall be regularly entered, which book shall be open for inspection whenever it shall become necessary to issue an execution against individual stockholders, under the provisions of section six.

SEC. 4. That the stockholders or a majority of them, shall have power, annually, to elect five directors, one of whom shall be president of said company, which directors, for the time of their offices, shall have power to make such bylaws and rules for regulating the concerns of the company as they shall think necessary and expedient, and also respecting the management and disposition of the stock, property and estate of the company, the duties of the officers, artificers and agents by them, or their authority, employed, and all matters appertaining to the interest of said company; provided that such bylaws and rules be not inconsistent with the constitution and laws of the United States and of this state, and that the funds of said company be not used for any other purpose than as hereinbefore stated.

SEC. 5. That so many of the stockholders as shall own or possess a majority of the shares of the stock of said company, shall have power to remove the board of directors or any one of them, at any time, and electing others in their stead, at a meeting convened by any two of the stockholders of said company, provided that written notice, specifying the object of the meeting be given to each of the stockholders.

SEC. 6. That all claims prosecuted to judgment against the company, which may remain unsatisfied after the corporate means of said company shall have been applied to the payment of the same, and exhausted, shall stand good against the stockholders of said company, in their individual capacities, each of whom shall be liable therefor, to an amount not exceeding the full amount of stock held by each, and twenty five per centum thereon, in addition to the amount of such stock, and said unsatisfied balance or balances may be collected by execution, to the amount aforesaid, against the goods, chattels, effects, lands and tenements of said stockholders, under the judgment pre-existing against said company, as aforesaid.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 6, 1845.

AN ACT

To amend the act entitled "An act to incorporate the Wayne and Summit Railroad Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the directors of the Wayne and Summit Railroad Company shall have power and authority to make all needful rules and bylaws, determine the number and kind of tracks, turnouts, branches, carriages, conveyances, storehouses, depots and other fixtures, and machinery, prescribe the mode of transferring stock, and have power and authority to construct a single or double track railroad, from Wooster, in Wayne county, in this state, or the vicinity thereof, to some point on the Ohio canal, or to some point on Lake Erie, as said directors, in their discretion, may fix on and determine.

SEC. 2. That said company shall not contract debts or liabilities to an amount greater than the amount of its means on hand, and the amount payable at a time or times, certain, within three years from the time of contracting, on stock subscribed and held by responsible stockholders.

SEC. 3. That the sixth, thirteenth, and fourteenth sections of the act, passed March twelfth, one thousand eight hundred and forty four, to which this is an amendment, be and the same are hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 6, 1845.

AN ACT

To grant certain powers to the Town Council of the town of Xenia.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever, by the ordinances or bylaws of the town of Xenia, the owner or owners of any lot or part of lot situated in said town, shall be required to improve or repair any street, alley, sidewalk, or gutter, adjacent to such lot or part of lot, and the owner or owners thereof shall refuse or neglect to make such improvement or repair, and the same shall be made at the expense of said town, the recorder of said town shall certify the amount so expended, to the auditor of Greene county, who shall place the same on the tax duplicate, as a special tax upon said property, to be collected by the treasurer of Greene county, for the use of said corporation, as other taxes are collected for the use of said town.

SEC. 2. That the town council may, whenever in their opinion the well being of said town may require the same, pass and enforce such ordinances as they may think necessary to prevent any person or persons, other than licensed tavern keepers, from opening or keeping any house, booth or other place, for the vending, selling or exposing for sale, or in any manner retailing or giving away any spirituous liquors, wine, beer or other malt liquor, by or in a less quantity than a quart, within the corporate limits of said town.

SEC. 3. That said town council shall have power to pass and enforce such ordinances as they may think necessary to protect the trees, shrubbery, grassplots, walks and fixtures, erected or growing upon the public square in said town, also for the protection of the public pumps, wells and cisterns of, and belonging to the same.

SEC. 4. That the qualified electors of Greene county shall, on the second Tuesday of October next, and biennially thereafter, at the time of electing county officers, and in the same manner, elect one inspector and gauger, whose duty it shall be to keep an office in the town of Xenia, and inspect, gauge and mark, as the case may require, any and all articles authorized or required to be inspected by the act entitled "an act for the inspection of certain articles therein enumerated," passed March ninth, one thousand eight hundred and thirty one, and the several acts amendatory thereto, and the inspector so elected, shall be entitled to the same fees, and in all respects be governed by the provisions of said acts, except so far as they may be changed by this act; and in case of the death or resignation, or refusal to serve of any officer elected or appointed under the provisions of this act, the vacancy shall be filled by the county commissioners of said county, until the next annual election, and a successor is chosen and qualified, and after an inspector shall be elected and qualified, as in this section provided, it shall not be lawful for any other person or persons to discharge any of the duties required of the inspector elected under the provisions of this act, within the corporate limits of the town Xenia.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 6, 1845.

AN ACT

To incorporate the Newark Plank Road Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Daniel S. Norton and Elie Miller, of the county of Knox, James Maholm, Jesse S. Vanatta, George M. Young, Elijah Cooper, Levi J. Haughey, Israel Dille and Daniel Duncan, of the county of Licking, and Charles C. Hood, of the county of Perry, and all other persons who shall become associated with them, by subscribing to the capital stock of said company, be and they are hereby constituted and declared a body corporate and politic, with perpetual succession, by the name and style of the Newark Plank Road Company, for the purpose of constructing a plank road, from the town of Newark, in the county of Licking, to such point or points in the counties of Knox and Perry, and by such route as the directors of the said company may deem most eligible; and for such purposes, the said company is hereby authorized and empowered to have and receive, purchase, possess, enjoy and retain, lands, rents, goods, chattels and effects, of any kind, and to any amount necessary to carry into effect the objects of the corporation; and the same to use, sell, alien, and dispose of at pleasure, to sue and be sued, defend and be defended, in all courts having competent jurisdiction, to have and use a common seal, the same to alter, break and renew at pleasure, to ordain and establish such rules, regulations, and bylaws as may be necessary for the well being of said corporation, subject however, to the restrictions and limitations contained in this act.

SEC. 2. The capital stock of said company shall be one hundred and fifty thousand dollars, divided into shares of fifty dollars each, and shall be transferable in entire shares, in such manner as the rules of the corporation shall prescribe, provided that no stockholder, without the consent of the directors, shall be at liberty to transfer his stock, after any installment shall be ordered, until such stockholder shall have paid the amount that may be due on his said stock.

SEC. 3. The persons named in the first section of this act, or in case they should not all choose to serve, then any number of them, not less than three, shall be commissioners to receive subscriptions, and do and perform all necessary acts to organize the said company, and they are hereby authorized and empowered to cause books to be opened at such times, in such places, as a majority of those acting shall think proper, to receive subscriptions to the capital stock of said company; the commissioners may, if they think proper, require ten per centum of the amount of each subscription to be paid at the time it is subscribed, and each subscriber shall be bound to pay from time to time, such installments, on his, her, or their stock as the directors may require.

SEC. 4. That when one hundred shares shall be subscribed the commissioners shall call a meeting of the subscribers, by causing notice of the time and place of such meeting to be published in some newspaper in the town of Newark, of general circulation, for thirty days next preceding the time of such meeting, and at such time and place those present shall proceed to elect directors, and adopt such bylaws and regulations for the government of the corporation as shall be lawful, and as they shall deem expedient; the stockholders to vote in person or by proxy, each stockholder

being entitled to one vote for every share they may hold in said company.

SEC. 5. The affairs of said company shall be governed by five directors, or a majority of them, who shall be elected by the stockholders once in two years, unless a shorter period shall be prescribed by the bylaws of the corporation, who shall hold their offices until their successors shall be chosen and qualified, and each director shall be a stockholder at the time of his election, and shall cease to be a director when he shall cease to be a stockholder; the directors shall have power to fill all vacancies in their board, which shall happen from death, removal or otherwise.

SEC. 6. The directors, before entering upon the discharge of their duties, shall take an oath or affirmation, faithfully and impartially to discharge their duties; they shall choose a president from among their number, and shall appoint such other officers, agents and superintendents, as they shall deem expedient; they shall determine upon the amount of any bonds they may see fit to exact from any officer, and pass upon their sufficiency; prescribe the amount of any installment to be paid upon subscriptions, and the mode and manner of enforcing the payment of such subscriptions, declare dividends, and take the general charge and supervision of the affairs of said company.

SEC. 7. It shall be lawful for said directors to enter upon, and take possession of any lands, roads, streets, alleys, stones, timber and earth, necessary for the laying out and construction of said plank road, and necessary appurtenances and appendages thereto, doing no unnecessary damage; and in procuring the rights of way and materials for the construction and repair of said road the said company shall in all respects be governed by the provisions of the act entitled an act to amend the act entitled an act for the regulation of turnpike companies, passed March eleventh, one thousand eight hundred and forty three; and, provided further, that the said company shall not take possession of more than sixty six feet in width for said road.

SEC. 8. Whenever said company shall have constructed the said plank road, not less than twelve feet wide, by covering the same with plank, at least two inches thick, the same shall forever thereafter be and remain a public highway free for the passage of animals, teams and travelers of every description, on payment of such tolls as the board of directors may establish from time to time, under the provisions of this act; provided that if the said company shall deem it for their interest so to do, they are hereby authorized to cover the said road, or any part thereof, with gravel or limestone, not less than nine inches in thickness, instead of covering the same with two inch plank as aforesaid.

SEC. 9. In consideration of the expenses which said company will necessarily incur in constructing said road, with the appurtenances thereto, the said road and its appurtenances, together with all tolls and profits arising therefrom, are hereby vested in said corporation.

SEC. 10. Whenever five miles of said road shall be completed, according to the intent and meaning of this act, the president and directors shall have power to erect tollgates, and ordain and establish a rate of tolls which shall be paid upon all animals, teams, travelers, and property of every description, passing on said road, and for the collection of said tolls they shall

appoint collectors, and erect gates, and tollhouses, and may ask, demand, and receive the said tolls under this act; provided, however, that they shall in no case exceed the rates now charged on the Western Reserve and Maumee road.

SEC. 11. The said company shall be entitled to the benefit of all laws for the protection of turnpike roads, and the collection of tolls, which have been, or may be enacted by the general assembly of this state.

SEC. 12. Said company may at any time contract debts or liabilities to the amount of the stock of said company at such time actually subscribed by responsible stockholders remaining unexpended and payable within three years from the time of contracting said debts or liabilities, and inclusive of such profits or income as may reasonably be expected to accrue within two years from the time of so contracting.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 6, 1845.

AN ACT

To provide for releasing Ministerial Section Twenty Nine, and School Section Sixteen, in Homer township, Athens county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That* the trustees of township number seven, (Homer,) range thirteen, Athens county, shall immediately after the passage of this act, or whenever any of the leases heretofore granted to any of the lessees of said section, shall terminate, appoint three disinterested freeholders of the county, whose duty it shall be to appraise the premises described in such lease, without reference to any improvement thereon, but taking into account the increased value of the premises by reason of the improvements in the neighborhood, except such as may have been made in payment of rents, and the trustees shall relet the same to the present owners, their heirs or assigns, for the term of seven years, on the payment of six per cent. annually on such revaluation.

SEC. 2. And the trustees, aforesaid, are hereby required to relet the same at the end of every seven years to the lessees thereof, their heirs or assigns, unless said lessees shall neglect or refuse to take the same, in which case the trustees shall lease the premises to the highest bidder.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 6, 1845.

AN ACT

To incorporate the Columbus and Sandusky Turnpike and Plank Road Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That William Neil, Joseph Ridgway, William Platt, D. W. Deshler, of Franklin county, Hosea Williams, Benjamin Powers, Caleb Howard, and Otho Hinton, of Delaware county, William Bain, Elisha Hardy, S. S. Bennett, Mathew Peters, and George H. Busby, of Marion county, Josiah Scott, George Lauck, William W. Miller, John Anderson, Ichabod Rogers, of Crawford county, William Miller, Job Miller, Andrew Moore, Michael Castine, of Seneca county, Stephen Russell and Ezekiel Morse, of Huron county, and Moors Farwell, Rice Harper, Samuel B. Caldwell and George Reber, of Erie county, and all other persons who shall become associated with them, by subscribing to the capital stock of said company, be and they are hereby constituted and declared a body corporate and politic, with perpetual succession, by the name and style of the Columbus and Sandusky Turnpike and Plank Road Company, for the purpose of constructing a turnpike and plank road from the city of Columbus, through Delaware, Marion and Bucyrus, to Sandusky city, or to the Madriver and Lake Erie Railroad, and by such route as the directors of such company shall deem most eligible; and for such purposes the said company is hereby authorized and empowered to have and receive, purchase, possess, enjoy and retain lands, rents, goods, chattels and effects of any kind, and to any amount necessary to carry into effect the objects of the corporation, and the same to use, sell, alien and dispose of at pleasure; to sue and be sued, defend and be defended in all courts having competent jurisdiction; to have and use a common seal, the same to alter, break and renew at pleasure; to ordain and establish such rules, regulations and bylaws, not inconsistent with the constitution of the United States or the constitution and laws of this state, as may be necessary for the well being of said corporation, subject, however, to the restrictions and limitations contained in this act.

SEC. 2. That the capital stock of said company shall consist of five hundred thousand dollars, divided into shares of fifty dollars each, and shall be transferable in entire shares, in such manner as the rules of the corporation prescribe, provided that no stockholder, without the consent of the directors, shall be at liberty to transfer his stock after any installment is ordered, until such stockholder shall have paid the amount due on his stock.

SEC. 3. That the persons named in the first section of this act, or in case they should not all choose to serve, then any number of them, not less than five, shall be commissioners to receive subscriptions, and do and perform all necessary acts to organize the company; and they are hereby authorized and empowered to cause books to be opened at such times and in such places, as a majority of those acting shall think proper, to receive subscriptions to the capital stock of said company. The commissioners may, if they think proper, require ten per centum of the amount of each subscription to be paid at the time it is subscribed, and each subscriber shall be bound to pay, from time to time, such installments on his, her or their stock, as the directors may lawfully require.

SEC. 4. That when three hundred shares shall be subscribed, the commissioners shall call a meeting of the subscribers, by causing notice of the time and place of such meeting to be published in some newspaper in gen-

eral circulation in the places, where the books shall have been opened, and the stock subscribed, for thirty days next preceding such time of meeting; and on such notice being given the stockholders shall meet at the time and place appointed and elect directors, and adopt such bylaws and regulations for the government of the corporation as shall be lawful and expedient; the stockholders to vote in person or by proxy, each share shall be entitled to one vote.

SEC. 5. That the affairs of said company shall be managed by five directors, or a majority of them, who shall be elected by the stockholders once in three years, unless a shorter period shall be ordained by the bylaws of the corporation, and they shall hold their offices until their successors shall be chosen and qualified; and each director shall be a stockholder at the time of his election, and shall cease to be a director when he ceases to be a stockholder. The directors shall have power to fill all vacancies in their own board, which shall happen from death, removal or otherwise.

SEC. 6. That the directors, before entering upon the discharge of their duties, shall take an oath or affirmation, faithfully and impartially to discharge their duties, shall choose a president from among their number, shall appoint such other officers and agents as shall be provided for by the bylaws, determine upon the amount of any bonds that they may see fit to exact from any officers of the company, and pass upon their sufficiency, determine the amount of installments to be called for upon subscriptions, declare dividends, and take the general charge and supervision of the affairs of the company.

SEC. 7. It shall and may be lawful for said directors to enter upon and take possession of any lands, roads, streets, alleys, stones, timber and earth, necessary for the laying out and construction of said turnpike and plank road, and all necessary appurtenances and appendages, doing no unnecessary damage; and in case any land or materials, &c., wanted to be appropriated for the purposes aforesaid, shall not be given or granted to said corporation, and the proprietor or proprietors cannot or do not agree with the directors as to the amount of damages or compensation which ought to be allowed or paid for the same, then, and in that case, the said company shall, in all respects, be governed by the provisions of the act entitled an act to amend the act entitled an act for the regulation of turnpike companies, passed March eleventh, one thousand eight hundred and forty three, provided that said company shall not take possession of more than sixty six feet in width for said road.

SEC. 8. That whenever said company shall have constructed the said turnpike and plank road, by covering the same with plank of sufficient thickness, or covering the same with stone, gravel or other substantial material, and of sufficient width for the accommodation of teams, the said company adopting one or the other mode of construction, as may best suit the several portions of said road, and shall have completed the same in a good and substantial manner, the same shall forever thereafter be and remain a public highway, free for the passage of animals, teams and travelers of every description, on payment of such tolls as the board of directors may establish, from time to time, under the provisions of this act.

SEC. 9. That in consideration of the expenses which said company will necessarily incur in constructing said road, with the appurtenances thereof, and in keeping the same in repair, the said road and its appurte-

nances, together with all tolls and profits arising therefrom are hereby vested in said corporation.

SEC. 10. That on every five miles of said road, when so much shall be completed according to the true intent and meaning of this act, the president and directors shall have power to erect tollgates, and ordain and establish a rate of tolls which shall be paid upon all animals, teams, travelers and property of every description, passing on said road, and for the collection of said tolls, they shall appoint collectors and erect gates and tollhouses, and may ask, demand and receive the said tolls under this act, provided, however, that they shall in no case exceed the rates now charged on the Western Reserve and Maumee Road, to be graduated by the board of directors.

SEC. 11. That whenever the whole, or any five miles or more of said road shall be completed, the president and directors of said company may apply to the court of common pleas of any county through which said road may pass, whenever the same is in session, or to any judge thereof in vacation, not interested in said road, whose duty it shall be to appoint three disinterested freeholders commissioners to examine said road; and if said commissioners shall be of opinion that said road is constructed according to the true intent and meaning of this act, they shall give to said president and directors a certificate thereof, which shall entitle said company to demand tolls under this act.

SEC. 12. The company shall be entitled to the benefit, and subject to the provisions and restrictions of all laws for the protection and regulation of turnpike roads and the collection of tolls, which have been passed by the legislature of this state.

SEC. 13. That in case said road shall not be commenced within two years, and at least ten continuous miles finished within five years from the passage of this act, all privileges granted by this act shall be null and void.

SEC. 14. That whenever the said company shall have the said road located and established, and shall have any ten miles thereof graded and made a good and substantial road, the directors may apply, under the eleventh section of the act, to the court of common pleas, or judge, as therein provided, to appoint three disinterested freeholders as commissioners to examine such portion or portions of said road; and in case the said commissioners shall be of the opinion that the same has been made a good and substantial road, they shall give the president and directors a certificate thereof, which shall entitle the company to demand toll under this act while the said road is kept in good repair, but all such tolls shall be applied towards keeping the said road in repair; and no dividend shall be made thereof until each portion upon which toll shall be charged, shall be either planked or stoned, as may be determined by the company, for each and every part of the road as contemplated by this act, and examined as provided in the eleventh section hereof.

SEC. 15. That the said company shall have full power and authority to construct, as a part of the said road, an arm from the said road to the town of Mount Gilead, and another to the town of Milan, under the provisions of this act.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 8, 1845.

35—L. L.

AN ACT

To incorporate the Miamisburg Library Association.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Joseph Fisk, Michael Cassady, George Perry, H. A. Brouse, George Sprecker, and their associates and successors, be and they are hereby created a body corporate and politic, by the name of the Miamisburg Library Association.

SEC. 2. That said corporation shall be entitled to enjoy all the privileges and subject to all the provisions of the act entitled "an act to regulate incorporated literary societies," passed March seventh, one thousand eight hundred and thirty nine.

SEC. 3. That the incorporators named in the first section of this act, or a majority of them, shall give ten days previous notice by posting up written or printed advertisements in three of the most public places in the town of Miamisburg, of the time and place of holding the first meeting under this act.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 6, 1845.

AN ACT

To authorize an extension of the capital of the Mansfield and Sandusky City Railroad Company, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the capital of the Mansfield and Sandusky City Railroad Company, be and the same is hereby extended and enlarged to the amount of four hundred and fifty thousand dollars, to be divided into shares subscribed for, paid up, and otherwise governed in the same manner, and by the same regulations heretofore prescribed in reference to the capital stock of said railroad company.

SEC. 2. That the directors of the Mansfield and Sandusky City Railroad Company are hereby authorized to borrow, on the credit of said company, any sum or sums of money not exceeding one hundred and fifty thousand dollars, at a rate of interest not exceeding seven per cent. per annum.

SEC. 3. That for the purpose of perfecting said loan, the directors of the company aforesaid, shall have power, in the name of the company, to make and execute such bonds, promissory notes, or other evidences of debt, and payable at such times and places as shall be agreed upon by the respective parties so contracting, which said bonds, notes and other evidences

of debt may be made transferable and redeemable in such form, and at such times and places as may be therein designated; provided that nothing in this act contained shall be so construed as to authorize the directors of said company, either directly or indirectly, to pledge the state for the payment of any part of the principal or interest of any loan that may be negotiated under the provisions of this act, but the stock now owned by the state in said road, may be pledged in the same manner as the stock of other stockholders, for the payment of such principal or interest.

SEC. 4. That for the security of the payment of such money, so borrowed, said directors may pledge, by mortgage or otherwise, their entire road, fixtures, equipments and capital stock with all the income and resources thereof.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 6, 1845.

AN ACT

To lay out and establish a graded State Road in the counties of Washington, Athens and Meigs.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Walter Curtis, of the county of Washington, Charles Devol, of the county of Athens, and Major Reed, of the county of Meigs, are hereby appointed commissioners, and William R. Browning, of Washington county, surveyor, to lay out and establish a graded state road, commencing near the southwest end of Little Hocking bridge, thence on the nearest and best route to Hockingport, in Athens county, thence the nearest and best route to intersect the present Chester road, at or near the south end of Tupper's Plains, in Meigs county, said road no where to exceed an angle of five degrees from a horizontal line; and said commissioners shall, in all respects be governed by the laws now in force in relation to laying out state roads.

SEC. 2. Should either of the commissioners, or surveyor, named in this act, die, or refuse to serve, or remove from the county, the commissioners of the county in which such vacancy shall happen, shall fill the same as often as the same may occur.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 6, 1845.

AN ACT

To lay out and established a Free Turnpike Road from Reidenour's Mill, in the county of Putnam, to a point near Defiance, in the county of [Defiance] Williams.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That M. Ridenour, of the county of Putnam, T. D. Groafe, of the county of Paulding, and Angus L. Downs, of the county of Williams, be and they are hereby appointed commissioners, and Elias Everett, of the county of Putnam, surveyor, to lay out and establish a free turnpike road, beginning at M. Ridenour's mill, in the county of Putnam, thence along or near the state road leading to Defiance, on the east side of the Auglaize river, to the fording, one mile south of Defiance, in the county of [Defiance] Williams, to intersect the Lima and Defiance Free Turnpike Road, which shall be constructed, repaired and preserved in the manner pointed out in this act.

SEC. 2. That the said commissioners shall have power to appoint a superintendent or superintendents, and such other agents as they may deem necessary to carry into effect the provisions of this act; a majority of said commissioners shall be a quorum, having power to transact any business, and exercise any powers devolving upon or intrusted to them, by this act; and they shall keep a record of their proceedings, which shall at all times be open for inspection by any person interested, desiring to inspect the same.

SEC. 3. The commissioners shall have power to receive subscriptions or donations in money, or property, real or personal, which shall be applied to the construction of said road; they may make contracts for constructing the same in a solid and durable manner, and keeping the same in repair; they may open and finish said road in the first instance along such portions of the line thereof, as will soonest render the whole line thereof available for travel and transportation; and they shall have power to purchase and procure all the necessary implements and fixtures to preserve said road in repair.

SEC. 4. That said commissioners shall meet on the first Monday of July next, or within sixty days thereafter, and organize, by choosing one of their number president of said board, and one other secretary; they shall then take measures to view, locate and establish said road, and of all such locations they shall file a copy with the auditor of each of the counties through which said road may pass.

SEC. 5. The taxes levied for road purposes, on all property within two miles on the east side of said road and on the west to the Auglaize river, shall be applied to the construction and repair thereof; and all persons owing such taxes, who may wish to discharge the same in labor, shall apply such labor under the direction of said commissioners, or their agents appointed for that purpose.

SEC. 6. So much of the taxes appropriated by this act as shall be paid into the county treasury shall be computed by the county auditors, and paid over on the order of said auditors, which shall be issued on the presentation of the certificate of the officers of said board, certifying that labor to the amount thereof has been performed on said road; and all taxes so computed shall be expended on said road by said commissioners.

SEC. 7. It shall be the duty of the respective county auditors in computing the portion of road tax that may have accrued within the aforesaid limits, on each side of said road, to embrace the whole of any tract of land, not exceeding eighty acres, of which at least one half shall be within said limits, and for all duties performed by them under this act, they shall be allowed the same fees allowed by law for similar services in other cases, to be audited by the county commissioners, and paid out of the county fund.

SEC. 8. The commissioners shall have power to receive donations of land to aid in the construction of said road, and to sell and convey the same in fee simple; they may take releases of the right of way, and they shall expend the money in their hands only on such parts of the road as shall have been permanently located and established.

SEC. 9. The said commissioners and their successors shall be a corporation by the name and style of the Springborough and Auglaize Free Turnpike Road, for the purpose of carrying into effect the provisions of this act; and it shall be their duty to prosecute for all obstructions to said road, or for injuries done to the same, or the bridges thereon; and the form of such prosecutions shall be in the action of debt; and the amount recoverable in each case shall be the amount of damages actually found by the court or jury, with ten per centum thereon; and in all cases the said commissioners shall have a right to sue either before a justice of the peace, where the damages demanded are under one hundred dollars, or in the court of common pleas of the proper county, where the damages are over one hundred dollars, which suits shall be appealable as in other cases; and the amount so collected in each case shall be for the benefit of said road, and shall be paid over as provided in section six.

SEC. 10. That said commissioners shall annually, in the month of February, make a full settlement of their receipts and expenditures under this act, and deposit a copy thereof in the auditor's office of each county through which said road may pass.

SEC. 11. The supervisor of any road district through which said road may pass shall be and hereby is authorized to appropriate any portion of the two days labor within his district, which he may deem expedient, to the construction, preservation and repair of said road, and the same shall be applied under the direction of said trustees or their agent or agents.

SEC. 12. The commissioners of said road shall be allowed their reasonable expenses when engaged on the business of said road, and no more; and when any vacancy shall happen in said board, by death, resignation or otherwise, the commissioners of the county, on being notified thereof, shall fill the same as often as it may occur.

SEC. 13. The expenses of surveying and location, to be paid out of the treasury of the county, and other expenses incidental to the construction, preservation, superintendence and repair of said road, shall be paid out of the funds appropriated by this act to the construction, preservation and repair of the same.

SEC. 14. All claims for damages, arising out of the location of said road, shall be settled in the manner prescribed by the act for opening and regulating roads and highways, and all damages assessed for injury to property shall be paid out of the county treasury, if, in the opinion of the county commissioners, the benefit resulting from the establishment of said road, will be equal to the amount of damages assessed.

SEC. 15. That nothing in this act shall be so construed as to allow the commissioners, named in this act, more than seventy five cents per day while actually employed in laying out or improving said road, nor more than seventy five cents to any agent in their service.

SEC. 16. The county commissioners, of the different counties through which said road may pass, may remove any or all of said commissioners, or their successors, when those interested in said road may require it.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 8, 1845.

AN ACT

To incorporate the Stillwater Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Joseph Kennedy, Stephen Jones, Samuel League, Isaac Jay, James Ensley, Richard Sanham, George Swallow, Jacob Lodge, John W. Conner, and their associates, be and they are hereby created a body corporate, under the name of the Stillwater Turnpike Road Company, for the purpose of constructing a turnpike road, from a point near the Ebenezer Meeting House, on the Miami and Montgomery Turnpike, and running thence northwest, on the road leading to Fredericktown, or as near as practicable, until it intersects the Little York and Fredericktown Turnpike, on or near the farm of Anthony Coble, which company shall have all the rights, privileges and powers, and be subject to all the restrictions defined in the act to provide for the regulation of turnpike companies, passed January seventh, one thousand eight hundred and seventeen, and the several acts amendatory thereto, except in so far as the same may be modified or changed by the special provisions of this act.

SEC. 2. The capital stock of said company may be sixty thousand dollars, divided into shares of twenty five dollars each.

SEC. 3. The above named commissioners, shall meet at Dayton, at such time as they shall think fit, and proceed to organize said company, and to take order for the opening of books for the subscription of stock, agreeably to the second section of the said act to provide for the regulation of turnpike companies.

SEC. 4. That so soon as two hundred shares shall be subscribed, the above named commissioners shall call a meeting of the stockholders in the manner prescribed in the third section of the said act to provide for the regulation of turnpike companies, for the election of five directors for the government of said company.

SEC. 5. That said company be and they are hereby authorized to demand and receive from persons traveling said road, the following tolls for

every ten miles travel on said road, and in the same proportion for a less distance, to wit:

For every four wheeled carriage, drawn by two horses or oxen, twenty five cents; for every horse or ox in addition, five cents;

For every sled or sleigh, drawn by two horses or oxen, ten cents; and for every horse or ox in addition, five cents;

For every horse and rider, six and a fourth cents;

For every horse, mule or ass, six months old or upwards, led or driven, three cents;

For every head of neat cattle, six months old or upwards, one cent;

For every head of sheep or hogs, one half cent;

For every four wheeled pleasure carriage, drawn by two horses, thirty cents; for every horse in addition, five cents;

For every two wheeled pleasure conveyance, drawn by one horse, ten cents;

For every four wheeled pleasure carriage, drawn by one horse, twenty cents;

For every cart drawn by one horse or two oxen, ten cents; for every horse or ox in addition, five cents.

SEC. 6. That whenever two continuous miles of said road is completed according to the provisions of the said act to provide for the regulation of turnpike companies, the aforesaid company may erect a gate and receive tolls from persons traveling said road, at the above specified rates, provided that such persons shall be exempt from paying tolls as are exempted in the eleventh section of the aforesaid act, for the regulation of turnpike companies, saving only persons conveying the public mails of the United States, which last mentioned persons shall not pass free as in the said act provided.

SEC. 7. That said company and the corporators thereof shall be subject to the provisions of all acts now in force, or which may hereafter be enacted for the purpose of regulating turnpikes companies, generally, in this state, provided that said incorporation shall not have power to contract debts to an amount greater at any time than their means actually on hand, together with their means which may be reasonably expected to accrue within one year thereafter.

SEC. 8. That said company and the Miami and Montgomery Turnpike Company, are hereby authorized and empowered to make any contract with each other, in relation to the collection of tolls at any gate of either, or upon any other subject pertaining to the business of said companies, that their respective boards of directors may deem to be to the mutual interest of said companies.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 8, 1845.

AN ACT

To incorporate the Belpre and Cincinnati Railroad Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That all persons who shall become stockholders pursuant of this act, in the company hereby authorized, shall be and they are hereby made a body corporate under the name of the Belpre and Cincinnati Railroad Company, with power to construct and maintain a railroad with a double track, together with all such appendages as may be necessary for the purposes of conveying freight and passengers, commencing at any eligible point on the Ohio river, opposite Parkersburg, Virginia, or at Harmar, in Washington county, as a majority of the commissioners shall hereafter determine to be the most eligible point for the benefit of said road; thence by the most practicable route up the Hocking Valley, by way of Athens and Chillicothe, to some point on the Little Miami Railroad, between Plainville, in the county of Hamilton, and the mouth of Obanon creek, in the county of Clermont.

SEC. 2. The capital stock of said company shall be one million dollars, which shall be divided into shares of fifty dollars each.

SEC. 3. William P. Putnam, Harlow Chapin, Henry Fearing, Douglas Putnam and Walter Curtis, of Washington county, C. Morris, Peter Beebe, John Welch, John Ballard and David Richmond, of Athens county, John Madeira, Felix Renick, George Renick, William Ross, James F. Worthington and Thomas James, of Ross county, John A. Trimble, Thomas S. Rhoads, John A. Smith, John Baskin, Samuel E. Hibben and James H. Thompson, of the county of Highland, and Christopher Hiatt, and William H. Baldwin, of the county of Clinton, and Elias Woods and John Kugler, of Clermont county, and Jacob Burnet, E. D. Mansfield, David T. Disney, George P. Torrence and William Lewis, of Hamilton county, shall be commissioners for receiving subscriptions to the capital stock of the company, agreeably to the provisions of this act.

SEC. 4. That the above named persons, or a majority of them, are authorized to order books to be opened for receiving subscriptions to the capital stock of said corporation at such time or times, and at such place or places, as they may deem expedient, under the direction of at least three of the persons named, as aforesaid, having given not less than twenty days previous notice in a newspaper, published in the county where books of subscription are to be opened, of the time and place of opening said books; so soon as fifty thousand dollars of said stock shall be subscribed they may give like notice for a meeting of the stockholders, to meet at such time and place as they may designate, for the purpose of choosing directors, to continue in office for the term of one year, and until others are duly appointed in their stead; at the time and place appointed, thirteen directors shall be chosen by ballot, by such of the stockholders as shall attend for that purpose, either in person or by lawful proxies; each share of the capital stock shall entitle the owner to one vote, and a majority of all the voters present shall be necessary for a choice. The persons named in the third section of this act, or such of them as may be present, shall be inspectors of such election, and shall certify under their hands what per-

sons are elected directors, and appoint the time and place for holding their first meeting; seven directors shall form a board, and be competent to transact all business of the corporation; a new election shall be annually held for directors, at such time and place as the stockholders, at their first meeting, shall determine, or, as the bylaws of the corporation may require; and the directors chosen at any election, shall, so soon thereafter as may be convenient, choose out of their number one person to be president, and one to be treasurer of the corporation.

SEC. 5. The subscribers to the stock of this corporation shall, at the time of subscribing, pay to the persons authorized to open said books, five dollars upon every share subscribed, and the residue thereof, shall be paid in such installments, and at such times as may be required by the president and directors of said company, to the treasurer thereof.

SEC. 6. If installments remain unpaid for sixty days after the time of payment has elapsed, the directors, in the name of the company, may collect the same by suit, or may sell the stock at public auction for the installments then due, giving thirty days notice of the time and place of sale, by advertisement in some newspaper in general circulation in the county where such sale is to be made, and the residue of the money arising from such sale, after paying such installments and costs, shall be paid over to the owner.

SEC. 7. If the said railroad company shall not be organized within three years from the passage of this law, and not less than ten miles of the road be completed within seven years from the same date, then this act to be null and void.

SEC. 8. That the said company shall have the right to enter upon any land, to survey, lay down, and construct said road, and to take any materials necessary to the construction and repair of the same; and whenever any lands or materials shall be taken for the construction of said work, and the same shall not be given or granted to said company, and the owners thereof do not agree with said company as to the compensation to be paid therefor, the person or persons claiming compensation, or their agents, or if the owner or owners of said property are minors, insane persons or married women, then the guardian or guardians of such minors or insane persons, and the husbands of such married women, may select for themselves an arbitrator, and the said company shall select one arbitrator, and the two thus selected shall choose a third, who shall be sworn and paid as arbitrators in other cases; and the three or a majority of them, shall award, as arbitrators, between the parties, and render copies of their award to each of the parties in writing, from which award, either party may appeal to the court of common pleas for the county, in which such lands or materials were situated, which appeals shall be proceeded in as in other cases of appeal; and said company shall have the right to retain, own, hold and possess said materials, and to the use and occupation of said lands, as if the same had been granted and conveyed to said company by deed; provided that before the officers or agents of said company shall enter upon any land for the purpose of taking any materials for the construction or repair of said road, the said company shall secure to the owners of such materials the payment of any award of damages which may be made under the provisions of this act.

SEC. 9. Whenever it shall be necessary for the construction of the railroad, to intersect or cross any stream of water, or watercourse, or any road or highway, lying in or across the route of said road, it shall be lawful for the corporation to construct the said railway across, or upon the same; but the corporation shall restore the stream, or watercourse, road or highway, thus intersected, to its former state, or place it in such condition as not to impair its former usefulness; and if said corporation, after having selected a route for said railway, find any obstacle in continuing said location either by the difficulty of construction, or procuring the right of way at reasonable cost, or whenever a cheaper and better route can be had, it shall have authority to vary the route and change the location.

SEC. 10. Said corporation shall have power to locate and construct branched roads from the main route to any towns, or places, in the several counties through which the said road may pass.

SEC. 11. Said corporation may demand and receive from all persons using or traveling upon said road, or for the transportation of property, such rates of toll as the said corporation may determine, which rates they shall have posted up in some public place at each depot.

SEC. 12. That if it shall be necessary in the selection of the route or construction of the road, to connect the same with, or to use any road, street or bridge, made or erected by any company, or persons incorporated or authorized by any law of this state, it shall be lawful for the said company, and it is hereby authorized, to contract and agree with any such other corporation or persons, for the right to use such road, street or bridge, or for the transfer of any of the corporate, or other rights or privileges of such corporation or persons, to the said president and directors of this corporation; and all such other corporations and persons, incorporated by, or acting under the laws of this state, are hereby authorized to make such an agreement, contract or transfer, by and through the agency of their corporate officers, or by such persons as by any law of this state are intrusted with the direction and management of such road, street or bridge; and every contract to transfer, made in pursuance of the authority hereby granted, when executed by the several parties under their respective corporate seals, or otherwise legally authenticated, shall vest in this corporation all the rights and privileges vested in the said corporations or persons, as shall be specified in the contracts and agreements above referred to.

SEC. 13. At the regular annual meeting of the stockholders of said company it shall be the duty of the president and directors in office, for the previous year, to exhibit a distinct statement of the affairs of the company; and the president and directors, shall, annually, or semiannually, declare and make such dividend as they deem proper, of the net profits arising from the revenues of the company, deducting the necessary current and probable contingent expenses, and that they shall divide the same among the stockholders of said company, in proportion to their respective shares.

SEC. 14. Every president, director, treasurer or other officer of said company, before he acts as such, shall swear or affirm, that he will, well and truly discharge the duties of his office, to the best of his skill and judgment; and the treasurer of said company shall give bonds in any sum

fixed by the president and directors, and to their satisfaction, conditioned for the faithful performance of his duty.

SEC. 15. This company may, and they are hereby authorized to commence and complete any part of said road, at any point of its location, which the interest of said company may require; and that the said company may demand and receive the same rates of toll and transportation, on any part of said road at any point of its location which the interest of said company may require, and that the said company may demand and receive the same rates of toll and transportation on any part thus finished, as fully as if the entire work were completed and in operation.

SEC. 16. The said president and directors, or a majority of them, may appoint all officers, engineers, agents or servants whatsoever, deemed necessary for the transaction of the business of the company, and may renew them at pleasure; they shall have power to fix their compensation, by agreement or contract, and shall determine by their bylaws, the manner of adjusting and settling all accounts against the said company, and also the manner and evidence of transfers of stock in the same; and they, or a majority of them, shall have power to pass such bylaws as they may deem necessary or proper, for exercising all the powers vested in the company, hereby incorporated, provided, only, that such bylaws shall not be contrary to the laws of this state, or of the United States; they shall also have power to fill all vacancies which may occur in their board.

SEC. 17. That if any person shall, willfully, by any means whatsoever, injure, impair or destroy any part of said railroad, constructed under this act, or any of the necessary works, buildings, cars or machinery of the said company, such person or persons, so offending, shall, each of them, for every such offence, forfeit and pay to the said company, twofold the damages, which may be recovered in the name of the company, by an action of debt, with costs of suit, in any court having cognizance thereof, and shall also be subject to an indictment in the court of common pleas of the county, where such offence was committed, and, upon conviction thereof, shall be punished by fine, not exceeding five hundred dollars, and imprisonment in the county jail, not exceeding thirty days, or both, at the discretion of the court.

SEC. 18. The company shall at no time contract debts or incur liabilities, to an amount greater than the amount of its means on hand, together with the amount payable at a time or times certain, within three years from the time of incurring such debts or liabilities on stock subscribed and owned by responsible stockholders, unless, at the time of making said contract, the party, contracting with such company, be informed of such want of means on the part of such company and by agreement in writing, specify the time or manner in which such debt shall be paid.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 8, 1845.

AN ACT

To incorporate the Dayton and Brant Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Moses Shearer, William Shroyer, David C. Baker, Alexander Swaynie, John Rench, Festus E. Munger and Thomas B. Dover, of Montgomery county, Thomas Wilmington, Cornelius Sullivan, Williams Sawyer, Andrew D. Brier, Jacob Shroyer, Joseph Pumphrey, George Mitchel of Miami county, and their associates, be and they are hereby created a body corporate, under the name of the Dayton and Brant Turnpike Road Company, for the purpose of constructing a turnpike road, commencing at the junction of the Troy road with the Mad River Valley Turnpike Road; thence on the Troy road to William Shroyer's tavern; thence on or near the Honey Creek road to Brant, in Miami county, with the privilege of continuing said road on the most suitable route to Addison, in Champaign county; thence on the nearest and best route to Bellefontaine, in Logan county; which company shall have all the rights, privileges and powers, and be subject to all the restrictions defined in the act passed January seventh, one thousand eight hundred and seventeen, and the several acts amendatory thereto, except in so far as the same may be modified or changed by the special provisions of this act.

SEC. 2. The capital stock of said company may be one hundred thousand dollars, divided into shares of twenty five dollars each.

SEC. 3. The above named commissioners, or a majority of them, shall meet at the town of Brant, at such time as they shall think fit, and proceed to organize the said company, and take order for the opening of books for the subscription of stock, agreeably to the second section of the said act to provide for the regulation of turnpike companies.

SEC. 4. That as soon as one hundred shares shall be subscribed, the above named commissioners shall call a meeting of the stockholders, in the manner prescribed in the third section of the said act, to provide for the regulation of turnpike companies, for the election of five directors for the government of said company.

SEC. 5. That said company be and they are hereby authorized to demand and receive from persons traveling said road the following tolls for every ten miles travel on said road, and in the same proportion for a less distance, to wit:

For every four wheeled carriage, drawn by two animals, twenty five cents; for every animal in addition, five cents.

For every sled or sleigh, drawn by two animals, ten cents; and for every animal in addition, five cents.

For every horse and rider, five cents.

For every horse, mule, or ass, six months old or upwards, led or driven, three cents.

For every head of neat cattle, six months old or upwards, one cent.

For every head of sheep or hogs, one half cent.

For every four wheeled pleasure carriage, drawn by two animals, thirty cents; for every animal in addition, five cents.

For every two wheeled pleasure carriage, drawn by one animal twenty cents.

For every cart, drawn by one horse or two oxen, ten cents; for every animal in addition, five cents.

SEC. 6. That whenever five continuous miles of said road are completed, according to provisions of the said act, for the regulation of turnpike companies, the aforesaid company may erect a gate or gates, and receive tolls from persons traveling said road, at the above specified rates, provided that such persons shall be exempt from paying tolls as are exempted in the eleventh section of the aforesaid act, for the regulation of turnpike companies, saving only, person conveying the public mails of the United States, which last mentioned persons shall not pass free as in the said act provided.

SEC. 7. That said company and the corporators thereof, shall be subject to the provisions of all acts now in force or which may be hereafter enacted for the purpose of governing and regulating turnpike companies generally in this state.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 8, 1845.

AN ACT

To regulate Common Schools in the township of Portland, in the county of Erie.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the school district which is composed of the township of Portland, in Erie county, is hereby authorized, by a vote of the qualified electors of said school district, at its annual meeting, or at any other meeting regularly called for that purpose, to levy, annually, a tax for the support of its common schools, which tax, so levied, shall not exceed one half of one per cent. on the value of the taxable property of said district, as estimated on the county duplicate, and shall be instead of all other taxes in said district, for the maintenance of schools, except such as arise under the laws of this state, imposing a general school tax.

SEC. 2. That when such tax shall be levied, as aforesaid, the clerk of said school district shall file a copy of said vote, by him certified, with the auditor of Erie county; and it shall be the duty of the said auditor to levy the amount of such tax on the taxable property of said district, in the next annual duplicate; and it shall be the duty of the county treasurer to pay over the amount of said tax, when collected, to the treasurer of said township.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 6, 1845.

AN ACT

To amend the act entitled "An act to establish a Free Turnpike Road from Columbus, in the county of Franklin, to Bellefontaine, in the county of Logan," passed March 4, 1844.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That* so much of the land as may be liable to taxation for road purposes, situated upon the east side of the Scioto river, and which would come under the law, to which this is an amendment, shall be exempt from the provisions of the fifth and seventh sections of such act; and all taxes assessed hereafter for road purposes, upon any such lands so exempted, shall be expended in the usual manner, and as if no such act, hereby amended, had been passed.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 8, 1845.

AN ACT

To lay out and establish a Free Turnpike Road from Lima, in the county of Allen, to the Miami Extension Canal, in the county of Putnam.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That* Joseph Richardson, J. B. Haller, of the county of Allen, and William Scott, of the county of Putnam, be and they are hereby appointed commissioners, and Elias Everett, of the county of Putnam, surveyor, to lay out and establish a free turnpike road, beginning at Lima, in the county of Allen, thence along or near the state road leading from Lima to Vanwert, crossing the Ottawa river at Griffith Johns' fording, thence on to Cochran's mill, thence to where the Miami Extension Canal crosses the Bucyrus and Fort Wayne state road, in the county of Putnam, which shall be constructed, repaired and preserved in the manner pointed out in this act.

SEC. 2. That the said commissioners shall have power to appoint a superintendent or superintendents, and such other agents as they may deem necessary to carry into effect the provisions of this act; a majority of said commissioners shall be a quorum, having power to transact any business and exercise any powers devolving upon or intrusted to them by this act; and they shall keep a record of their proceedings, which shall at all times be open for inspection by any person interested, desiring to inspect the same.

SEC. 3. The commissioners shall have power to receive subscriptions and donations, in money or property, real or personal, which shall be applied to the constructing of said road; they may make contracts for constructing the same in a solid and durable manner, and keeping the same in repair; they may open and finish said road, in the first instance, along such portions of the line thereof as will soonest render the whole line thereof available for travel and transportation, and they shall have power to purchase

and procure all the necessary implements and fixtures to preserve said road in repair.

SEC. 4. The said commissioners shall meet on the first Monday of July next, or within six days thereafter, and organize by choosing one of their number president of said board, and one other secretary; they shall then take measures to view, locate and establish said road, and of all such locations they shall file a copy with the auditor of each of the counties through which said road may pass.

SEC. 5. The taxes levied for road purposes, on all property within two miles of said road, on each side thereof, shall be applied to the construction and repair thereof; and all persons owing such taxes, who may wish to discharge the same in labor, shall apply such labor under the direction of said commissioners, or their agents appointed for that purpose.

SEC. 6. So much of the taxes appropriated by this act as shall be paid into the county treasury shall be computed by the county auditors, and paid over, on the certificate of the officers of said board, certifying that labor to the amount thereof has been performed on said road; and all taxes so computed shall be expended on said road by said commissioners.

SEC. 7. It shall be the duty of the respective county auditors in computing the portion of road tax that may have accrued within the afore-said limits, on each side of said road, to embrace the whole of any tract of land not exceeding eighty acres, of which at least one half shall be within said limits; and for all duties performed by them under this act he shall be allowed the same fees allowed by law for similar services in other cases, to be audited by the county commissioners and paid out of the county fund.

SEC. 8. The commissioners shall have power to receive donations of land to aid in the construction of said road, and to sell and convey the same in fee simple; they may take releases of the right of way, and they shall expend the money in their hands only on such parts of the road as shall have been permanently located and established.

SEC. 9. The said commissioners and their successors shall be a corporation by the name and style of the Germantown Free Turnpike Road, for the purpose of carrying into effect the provisions of this act; and it shall be their duty to prosecute for all obstructions to said road, or for injuries done to the same, or the bridges thereon; and the form of such prosecutions shall be in the action of debt, and the amount recoverable in each case shall be the amount of damages actually found by the court or jury, with ten per centum thereon; and in all cases the said commissioners shall have a right to sue either before a justice of the peace, where the damages demanded are under one hundred dollars, or in the court of common pleas of the proper county, where the damages are over one hundred dollars, which suits shall be appealable as in other cases, and the amount so collected in each case shall be for the benefit of said road, and shall be paid over as provided in section six.

SEC. 10. That said commissioners shall annually, in the month of January, make a full settlement of their receipts and expenditures under this act, and deposit a copy thereof in the auditor's office of each county through which said road may pass.

SEC. 11. The supervisor of any road district through which said road

may pass, shall be and hereby is authorized to appropriate any portion of the two days labor within his district, which he may deem expedient, to the construction, preservation and repair of said road, and the same shall be applied under the direction of said trustees or their agent or agents.

SEC. 12. The commissioners of said road shall be allowed their reasonable expenses when engaged on the business of said road, and no more; and when any vacancy shall happen in said board, by death, resignation, or otherwise, the commissioners of the county, on being notified thereof, shall fill the same as often as it may occur.

SEC. 13. The expenses of surveying and location, and other expenses incidental to the construction, preservation, superintendence and repair of said road, shall be paid out of the funds appropriated by this act to the construction, preservation and repair of the same.

SEC. 14. All claims for damages arising out of the location of said road shall be settled in the manner prescribed by the act for opening and regulating roads and highways; and all damages assessed for injury to property shall be paid out of the county treasury, if, in the opinion of the county commissioners, the benefit resulting from the establishment of said road, will be equal to the amount of damages assessed.

SEC. 15. That nothing in this act shall be so construed as to allow the commissioners, named in this act, more than one dollar per day, while actually employed in laying out or improving said road, nor more than seventy five cents to any agent in their service.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.

DAVID CHAMBERS,
Speaker of the Senate.

March 8, 1845.

AN ACT

To repeal so much of an act entitled "An act to incorporate the Portsmouth and Columbus Turnpike Company," passed February 7th, 1831, as makes Bloomfield a point on said road.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That* so much of an act entitled "an act to incorporate the Portsmouth and Columbus Turnpike Company," passed February seventh, one thousand eight hundred and thirty one, as makes Bloomfield a point on said road, be and the same is hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.

DAVID CHAMBERS,
Speaker of the Senate.

March 8, 1845.

AN ACT

To amend the act to lay out and establish a Free Turnpike Road from Findlay, in Hancock county, to Kalida, in Putnam county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That the act to lay out and establish a free turnpike road from Findlay, in the county of Hancock, to Kalida, in the county of Putnam, be so amended as to appropriate all taxes levied for road purposes within one and a half miles on the north side of said road, be applied to the repair and improvement of the same, where such tax may have been appropriated for the construction or improvement of other free turnpike roads south of Blanchard's fork of the Auglaize river; all the provisions of the act, to which this is an amendment, be continued in force, and all parts of acts conflicting with this act, to which this is an amendment, be and the same is hereby repealed.*

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 8, 1845.

AN ACT

To incorporate the Cottage Hill Academy, in Ellsworth, in the county of Trumbull.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That William Bottum, Isaac Crouk, Joseph M. Thorn, John C. Fitch, Robert Turnbull, Nicholas Gee, J. W. Powers, James Powers, M. B. Hughes, and their associates, be and they are hereby created a body corporate and politic, by the name and style of the President and Directors of the Cottage Hill Academy, of Ellsworth, in the county of Trumbull, for the sole purpose of promoting and encouraging education; and by which name they shall have perpetual succession, with power to purchase, acquire, receive, hold, retain and enjoy to themselves and their successors, property, real, personal and mixed, and the same to sell grant and convey, rent or otherwise dispose of at pleasure, provided that the annual income of such property shall not exceed ten thousand dollars, and they shall, by their corporate name, have power to contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all courts of competent jurisdiction, and may have and use a common seal, which they may alter or break at pleasure.*

SEC. 2. *The stock of said company shall be divided into such shares, and to be subscribed for in such manner as the president and directors shall prescribe, and paid in such installments as the bylaws may direct, which stock shall be deemed personal property, and transferable by assignment on the books of said corporation in such manner as the bylaws may prescribe.*

SEC. 3. *That said association shall have power to prescribe the duties of its respective officers, teachers and agents, and to make and establish all*

such bylaws, rules and regulations as they shall deem necessary in conducting the affairs of the corporation; provided the same be not repugnant to the constitution and laws of the United States, and of this state.

SEC. 4. That the officers of said corporation shall be nine directors, and out of their number they shall appoint a president and secretary, and they shall have power to appoint a treasurer and prescribe his duties, who shall hold their offices for the term of one year, and until their successors are elected, they shall have power to fill all vacancies in their number, to serve until the annual election after their appointment; the annual election for officers shall be held on the second Tuesday in January, at the Academy buildings, in the township of Ellsworth.

SEC. 5. That the board of directors, or a majority of them, shall constitute a quorum for the transaction of business of said corporation; that all deeds, or other instruments of conveyance, shall be made by order of the majority of the directors, signed and sealed by the president, and by him acknowledged in his official capacity.

SEC. 6. That the nine persons, named in the first section, shall be deemed directors of said corporation, until the first annual election, and until their successors shall be elected, whose acts, hereafter done in reference to the objects contemplated by this act, and not inconsistent therewith, shall be valid in law.

SEC. 7. That any future legislature may alter or amend this act, provided that the title to any property, real or personal, acquired under its provisions shall not be affected thereby.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 8, 1845.

AN ACT

To amend an act entitled "An act to lay out and establish a Free Turnpike Road from Van Buren, in the of Hancock, to the south line of Lucas county," passed March 5, 1844.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That James Hudson and Miller Arrowsmith, of the county of Williams, and Isaac Carey, of the county of Paulding, are hereby appointed commissioners to review and relocate that part of the Van Buren, Independence and Ridgeville Free Turnpike Road, which lies between section one, in township three, north, range five, east, and Independence, and also the branch of said road to Defiance.

SEC. 2. That said commissioners shall meet on the first Monday in May next, or within ten days thereafter, and proceed to review and relocate said road, and of all such locations they shall file a copy with the auditor of each county through which said road may pass.

SEC. 3. That when said road shall have been located by said commissioners, and a copy of the same filed with the proper auditors, the same

shall in all respects to be governed in the manner prescribed in the act to which this is an amendment, and of this act.

SEC. 4. That in addition to the commissioners appointed to take charge of said road, in the act to which this is an amendment, Hugh Hudson, of the county of Hancock, is hereby appointed a commissioner, with the same powers and duties as those appointed in the act to which this is an amendment.

SEC. 5. That the several commissioners appointed in the act to which this is an amendment, and the said Hugh Hudson, are hereby required to give bond to the State of Ohio, in the sum of one thousand dollars each, conditioned for the faithful discharge of their duties, and for paying over according to law, all moneys which may come into their hands as such commissioners, and file the same with the county auditors of the respective counties in which they reside, on or before the first Monday in June next.

SEC. 6. In case any of the commissioners aforesaid fail to comply with the preceding section, the office of said commissioner, failing to comply, shall be considered vacant, and the county commissioners of the county in which he resides shall appoint a suitable person or persons to fill such vacancies, who shall give bond in the same manner as provided in the preceding section of this act.

SEC. 7. That so much of the act to which this is an amendment, as is inconsistent with the provisions of this act, be and the same is hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate

March 8, 1845.

AN ACT

To authorize the Common Council of the town of Piqua to appoint an Inspector of Flour and Whiskey.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the mayor and common council of the town of Piqua, in the county of Miami, be and are hereby authorized to appoint some suitable person as an inspector of flour and whiskey in said town.

SEC. 2. That said inspector, so appointed, shall conform to, and be governed by, and liable under the provisions of an act entitled "an act for the inspection of certain articles therein enumerated," passed March ninth, one thousand eight hundred and thirty one, and the act amendatory thereto, passed February eleventh, one thousand eight hundred and thirty two, so far as the same may be applicable.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 8, 1845.

AN ACT

To incorporate the Normal High School, of Carroll county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Joseph Cable, Dewalt Rothacker, C. V. McMillen, John M. Lytle, William Baxter, Robert McElderry, Robert McClave, William M. Sinclair and George Beatty, and their associates and successors, be and they are hereby created a body politic and corporate, with perpetual succession, by the name and style of the Normal High School, of Carroll county, and by that name shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered unto, in all courts of law and equity; and to have and use a common seal, which may be broken, altered or renewed, at the pleasure of the said corporation.

SEC. 2. That for the purpose of carrying into effect the objects of said school, which are declared to be the promotion of a highly moral and intellectual education, in language, arts and sciences, upon the Normal plan, at Carrollton, Ohio, and according to the true intent and meaning of this act, said corporation, by name and style aforesaid, shall be capable of acquiring, holding, possessing and enjoying, either by purchase, gift, grant or devise, property, real or personal, and mixed, and the same to sell, convey or dispose of at pleasure, the value of which shall not exceed, at any time, the sum of ten thousand dollars; and all the property of said corporation, with the profits arising therefrom, shall be applied to the interest and welfare of said school, and for the promotion of the objects intended according to the provisions of this act.

SEC. 3. The said corporation shall have power to make, ordain and establish bylaws, rules and regulations for its government; prescribe the number and titles of its officers, define their powers, compensation and duration, and prescribe their duties; prescribe the terms and manner of admitting and dismissing members, and all such other powers and privileges necessary for the prudent and efficient management of the corporate concerns, prohibiting any thing in contravention of the constitution and laws of this state and the United States.

SEC. 4. The organization under this act to take place at Carrollton, so soon as deemed advisable, ten days notice thereof having been given by publication; but said corporation shall not incur liabilities at any time to a greater amount than the sum specified in the second section of this act.

SEC. 5. That any violation of the provisions of this act, or a failure to organize said school within one year from the passage of this act, or a failure to keep said school for the space of one year at one time, shall operate as a forfeiture of said charter, and for any abuse of said charter, any future legislature may alter, amend or repeal this act, or may so alter, amend or repeal whenever the public interest may require the same.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 8, 1845.

AN ACT

To divide the township of Scioto, in Ross county, into two Election Districts.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township of Scioto, in the county of Ross, be and the same is hereby divided into two election districts, as follows: The line dividing said township to begin at a point on the west side of the Scioto river, where the line, dividing Union and Scioto townships, touches the said river; thence, running down said river with the old bed thereof, to the north end of Paint street, in the city of Chillicothe; thence, with said Paint street, to the Paint creek bridge; thence, with the old Portsmouth road, to the south line of said Scioto township; and the territory east of said dividing line, shall compose the east election district of Scioto township; and the territory west of said dividing line shall compose the west election district of Scioto township; and the places of holding elections in said districts shall be fixed, by the trustees of Scioto township, within the corporate limits of the said city of Chillicothe.

SEC. 2. That the elections in each of said districts shall be held on the first Monday of April, and the second Tuesday of October, annually, and, at the presidential election, shall be conducted by three judges and two clerks, as in other election districts composed of townships, the trustees and clerk of said township acting in the capacity of judges and clerk; and others, to make up the competent number of judges, having the qualifications for electors, shall be chosen, by the electors of the township, on the first Monday of April, annually, as other township officers are chosen; and the judges, thus chosen, shall appoint the necessary number of clerks, all of whom, not being trustees or clerk of the township, shall be sworn, faithfully to discharge their respective duties.

SEC. 3. The elections held in said districts, on the first Monday of April and the second Tuesday of October, and at the presidential elections, shall, in all respects, be conducted, and the returns thereof made, agreeably to the laws of this state regulating such elections, and prescribing the manner of conducting the same, in the township composing the election districts; and the judges and clerks shall receive the same fees as are, or may be, provided by law for like services in other election districts; and the judges, clerks, electors and all others, shall be governed by the provisions, and subject to the penalties, which are or may be prescribed by the laws of this state regulating elections.

SEC. 4. That after the polls shall have been closed, and the votes canvassed, at the annual township elections, the judges and clerks of the said districts shall meet at the place of holding elections, in the district in which the township clerk resides, and add together the votes polled in each of said districts, and certify the result.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS.
Speaker of the Senate.

March 8, 1845.

AN ACT

Establishing certain graded State Roads in Athens and Meigs counties.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That* the route of a graded state road from Athens, in Athens county, to Pomeroy, in Meigs county, laid out and adopted by the commissioners, appointed for the purpose by the last general assembly, be and the same is hereby established, and authorized to be immediately opened and improved as a public highway.

SEC. 2. That a certain other route, viewed and surveyed by said commissioners, diverging at a point about one mile south of the town of Athens, and passing by Pleasant Hill and Ball's mill, and intersecting said first mentioned route near the eighteenth mile tree, in Meigs county, be and the same is hereby established, and authorized to be immediately opened as a state road. This act to take effect from and after its passage.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 8, 1845.

AN ACT

To incorporate the Blanchard River Bridge Commissioners, Number Two.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That* Charles Guisinger, Bildad Hubbard, Charles Harman, T. H. B. Hipkins and J. T. Sacket, of Putnam county, be and they are hereby created a body corporate, by the name of the Blanchard River Bridge Commissioners, Number Two, and, by that name, shall have perpetual succession, with power, by a majority of their number, to fill any vacancy which may occur, by death or otherwise, in their body; also to sue and be sued, plead and be impleaded in any of the courts of this state.

SEC. 2. The powers and duties of said corporation are hereby specified to be to erect, sustain and keep in repair, a free bridge across the Blanchard river, immediately below Thomas Harman's mill, in said Putnam county; and, for this purpose, they shall have power to obtain the license of the owners of the land at each end of said bridge, unless the same be a public highway; to ask, receive, and by law collect and apply any donations, subscriptions, conveyances, moneys, goods or other property, work, labor or materials, for the erection or keeping in repair said bridge.

SEC. 3. Said company, or a majority of them, which shall always be a quorum to do business, shall meet on the first day of April, or on any day subsequent thereto, if within the year one thousand eight hundred and forty five, and organize, by designating one of their number president, and appointing a secretary and treasurer of their board; the treasurer shall give bond to the county treasurer of Putnam county, conditioned that he will faithfully pay out and account for all moneys, or other property, that shall come to his hands as such treasurer of said company.

SEC. 4. It shall be the duty of said company, so soon as it can be effected, to obtain, by donation or otherwise, the means of erecting a good and substantial permanent bridge across the Blanchard river, at the place aforesaid, and to procure the same to be built, and the same, when so completed, shall be a free bridge; the company shall be severally liable, in their individual and private capacity, for each and every valid claim against said company.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 8, 1845.

AN ACT

Further to amend the act entitled "An act incorporating the Milan Canal Company," passed January 24, 1827.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be lawful for the president and directors of the Milan Canal Company (a majority, in interest, of the stockholders in said company consenting thereto) to subscribe to the capital stock of the Milan and Richland Plank Road Company, to any amount not exceeding twenty five thousand dollars; provided that nothing in this act contained shall be so construed as to authorize the said president and directors, either directly or indirectly, to pledge the state for the payment of any part of the principal or interest of any of the bonds or other loans that may be negotiated under the provisions of this act; but the stock now owned by the state in said canal may be pledged in the same manner as the stock of other stockholders, for the payment of such principal or interest.

SEC. 2. That the auditor of state is hereby authorized and required to transfer to said Milan Canal Company the amount of stock held by the state therein, whenever the president and directors of said company shall pay to the treasurer of state the sum of five thousand dollars, either in money or stock bonds of the state, provided the same be paid within one year after the passage of this act.

SEC. 3. It shall be lawful for said canal company, for the purpose of paying the subscription authorized by the first section of this act, to issue their bonds, in sums of five hundred or one thousand dollars each, bearing interest at any rate not exceeding seven per cent., payable half yearly at the office of their treasurer, or at any place in or out of the state of Ohio, to be specified in said bonds, and the principal, payable also at the place specified in said bonds, at the expiration of not less than five, nor over twenty years from the date thereof.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 8, 1845.

AN ACT

To amend an act entitled "An act to incorporate the town of Huron, in the county of Huron," now of the county of Erie.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the town council of the town of Huron be, and the same is hereby authorized and empowered to subscribe for, and on behalf of said town, a sum not exceeding twelve thousand dollars to the capital stock of any incorporated plank road company, or any other company, which to said town council shall appear for the interest of said town.

SEC. 2. That for the purpose of enabling said town to meet such subscription, said town council is hereby authorized to borrow, for a term not exceeding thirty years, and at an interest not exceeding seven per cent., the sums that may be necessary for the purpose; or said town council may issue to such company or companies, certificates redeemable at any time within thirty years, at the pleasure of said town council, and bearing an annual interest not exceeding seven per cent.

SEC. 3. That to enable said town to pay the interest as it accrues, and the principal when due, and other purposes, the town council may levy and collect such taxes as may be necessary; and the recorder of said town shall make out duplicate tax lists, when directed by the said town council, of all property, real and personal, within the bounds of said corporation, which shall be copied from the tax list of the county of Erie; and for that purpose the said recorder shall have free access to the books of the auditor of said county, at all reasonable times, without charge. The taxes thus assessed shall be collected as other taxes by the said corporation are now or shall be by law collected; and the real estate shall be sold, and deed made in like manner, which said deed, in case the purchaser shall pay all other taxes assessed and due upon said real estate at the time of the sale and purchase, shall invest the purchaser thereof with such title to said land as is provided for in cases of deeds made by county auditors upon sales of land for state and county taxes, provided that infants, feme coverts, insane persons, and persons beyond seas, shall have the same right to redeem, upon payment of the purchase money, interest, penalty, and all taxes due thereon at the time of such sale, or which may have accrued thereafter, as is now provided in other cases of the sales of land for taxes.

SEC. 4. That any person qualified to vote, according to the laws of the state, shall be eligible to any office in said corporation.

SEC. 5. That all scrip, and certificates for stock or loans, shall be signed by the mayor, countersigned by the recorder, and be under the seal of said corporation.

SEC. 6. That the act entitled "an act to amend the act entitled an act to incorporate the town of Huron, in the county of Huron," be and the same is hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 8, 1845.

AN ACT

To provide for the better regulation and improvement of the Moravian State Road, from Cadiz, in Harrison county, to Uhrichsville, in Tuscarawas county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That Samuel Hines, of the county of Harrison, and John Welch, of the county of Tuscarawas, be and they are hereby made superintendents of the Moravian state road, and either of said superintendents shall be capable of carrying into effect the provisions of this act.*

SEC. 2. *The said superintendents shall hold their appointment for the term of five years, from and after the passage of this act, and shall have power to receive subscriptions, donations or appropriations, in money, labor or property, real or personal, all of which they, or either of them, shall faithfully expend in the construction and repair of said road, each superintendent taking charge of so much of said road as passes through his respective county.*

SEC. 3. *The said superintendents shall, before entering upon the discharge of the duties required of them by this act, give bond to the state of Ohio in such sum as the commissioners of their respective counties shall think proper, with at least two sufficient securities, conditioned for the faithful and honest discharge of their duties, and take an oath or affirmation to support the constitution of the United States, and of this state, and that he will faithfully and honestly discharge the duties devolving upon him by this act.*

SEC. 4. *The taxes levied for road purposes on all property within one mile of said road, on each side thereof, shall be applied to the construction and repair of said road; and all persons owing such taxes, who may wish to discharge the same in labor shall apply such labor under the direction of said superintendents.*

SEC. 5. *So much of the taxes appropriated by this act as shall be paid into the county treasury, shall be computed by the county auditors, and paid over, on the certificate of the said superintendents, having charge of said road within their respective counties, certifying that labor to the amount thereof has been performed on said road; and all taxes, so computed, shall be expended on said road by said superintendents.*

SEC. 6. *It shall be the duty of the respective county auditors, in computing the portion of road tax that may have accrued within the aforesaid limits, on each side of said road, to embrace the whole of any tract of land, not exceeding eighty acres, of which at least one half shall be within said limits; and for all duties performed by them, under this act, they shall be allowed the same fees allowed by law for similar services in other cases, to be audited by the commissioners of their respective counties, and paid out of the county fund.*

SEC. 7. *That each of said superintendents shall, annually, on the first Monday of March in each year, make out a full statement of all their receipts and expenditures under this act, and deposit a copy thereof in the auditor's office of their respective counties, through which said road passes; and the said superintendents shall each be entitled to receive the sum of seventy five cents per day, for each and every day he shall actually be employed in the management of said road, and no more, to be paid out of the funds of*

said road; and when any vacancy shall happen by death, resignation or otherwise, the commissioners of the proper county shall fill the same as often as it may occur.

SEC. 8. The county auditors, of the counties through which said road passes, shall make out a list of all persons charged with road tax, to be applied on said road, and forward the same to the superintendent of said road, within his said county, at the same time he makes abstracts for the township clerks of such road tax.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
THOMAS W. BARTLEY,
Speaker of the Senate.

March 8, 1845.

AN ACT

To provide for the collection and payment of costs in criminal cases, in the counties of Geauga, Portage and Ashtabula.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That* in all criminal prosecutions for offences not punishable capitally, or by imprisonment in the penitentiary, hereafter commenced within the county of Geauga, before any judicial magistrate having jurisdiction thereof, it shall be the duty of such magistrate to require security for the costs of such prosecution, as hereinafter provided.

SEC. 2. If the person making complaint be the person against whom such offence shall have been committed, then such magistrate shall receive such complainant or prosecutor as such security, if he shall offer himself as such; but if he be not the person against whom the offence shall have been committed, then it shall be discretionary with such magistrate to receive said complainant as such security, or to require some other responsible person to become security, as aforesaid.

SEC. 3. That before such magistrate shall issue any state warrant for any such offence, he shall require the complainant, or other person, as aforesaid, to subscribe an acknowledgment, to be indorsed on said warrant, as near as practicable, in the following form:

I, A B, do acknowledge myself security for all costs which may accrue by reason of prosecuting the within named defendant, for the offence specified in the within warrant, to be paid by me in case said defendant shall be discharged by the magistrate, or not indicted by the grand jury.

Attest:

A. B.
E. S., Justice of the Peace, &c.
(naming the magistrate and his office.)

SEC. 4. That upon the discharge of such defendant by such magistrate, it shall be the duty of the magistrate discharging him to tax the legal costs,

and render judgment, in favor of the state of Ohio, against the person who shall have signed such acknowledgment, for the amount of such costs; which judgment shall have the force and effect of a judgment in a civil suit, shall be subject to the same stay of execution, on bail given, and shall be collected by execution in the same manner, but no appeal shall be allowed.

SEC. 5. That if such defendant shall be recognized to appear at the next term of the court of common pleas, or shall be committed to jail for want of such recognizance, to answer such charge, it shall be the duty of the clerk of said court, in case no bill of indictment is found on such charge by the grand jury, to tax the costs which have accrued in such prosecution before the grand jury; and the prosecuting attorney shall, on motion, cause said acknowledgment to be entered upon the journals of said court, at the same, or any subsequent term, and, thereupon, judgment shall be rendered against the person making such acknowledgment, in favor of the state of Ohio, for the amount of costs, including those before the magistrate, which judgment shall be collected by execution, as in civil suits; and it shall be the duty of the magistrate, before whom such defendant was examined, to return, with his transcript, to the clerk of said court the original warrant, with the indorsement thereon, as aforesaid.

SEC. 6. That no costs, taxed by magistrates in any such criminal prosecutions, shall be paid out of the county treasury, unless a bill of indictment, against the person or persons charged with such offence, shall be returned "a true bill," by the grand jury of the county.

SEC. 7. That no constable, or other ministerial officer, shall be bound to execute any such warrant unless such acknowledgment shall be indorsed thereon; and it shall be the duty of the magistrate, issuing subpoenas in such prosecutions, to indorse thereon "security for costs given;" and no witness shall, in such prosecutions, be bound to attend unless the subpoena be so indorsed.

SEC. 8. That nothing in this act shall be so construed as to render the person, so becoming security for costs, incompetent as a witness in the prosecution of such offence in any stage thereof, nor the right of any such magistrate to commit or hold to bail any offender who may commit such offence in view of such magistrate; and all acts and parts of acts, contrary to the provisions of this act, shall have no further effect within the said county of Geauga. This act shall take effect and be in force from and after the passage thereof.

SEC. 9. That the provisions of this act shall extend to, and be in force in the counties of Portage and Ashtabula.

JOHN M. GALLAGHER.

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 8, 1845.

AN ACT

To attach Kelley's Island to the county of Erie.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the island in Lake Erie, formerly known as Cunningham's Island, now called Kelley's Island, and forming part of the county of Ottawa, shall hereafter be attached to, and form part of, the county of Erie.

SEC. 2. All suits and actions, whether of a civil or criminal nature, now pending in the county of Ottawa, shall be prosecuted to final judgment and execution; and all taxes levied and unpaid shall be collected and applied in the same manner, and by the same officers, as if this act had not been passed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 8, 1845.

AN ACT

To revive and amend the act entitled "An act to incorporate the Columbus, Delaware, Marion and Upper Sandusky Railroad Company."

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the act entitled "an act to incorporate the Columbus, Delaware, Marion and Upper Sandusky Railroad Company," passed February twenty ninth, one thousand eight hundred and thirty six, be and the same is hereby revived; and the five years limited for the commencement of the said road, in the twenty third section of the above recited act, and the thirty five years limited for the state to repay to the company, of the amount expended in the construction of the said road, in the twenty fourth section of the same act, shall each commence at, and from, the passage of this act.

SEC. 2. The name of the said company organized, or to be organized under the above recited act, shall be the Columbus and Sandusky Railroad Company, and, by that name, shall have all the rights, powers and privileges granted by this act.

SEC. 3. That before the directors, or other officers of said company, shall enter upon any land for the purpose of constructing the said road, or for the purpose of procuring materials for the same, they shall give satisfactory security to the owner of such land or materials, for the payment of any award of damages which may be assessed under the provisions of the law, to which this is an amendment.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 8, 1845.

AN ACT

To amend an act entitled "An act to incorporate the Firemens' Insurance Company of Dayton," passed February 23, 1835.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That within thirty days after the taking effect of this act, the certificates of stock in the Firemens' Insurance Company of Dayton, which may have been issued before that time, shall be canceled, and new certificates shall be issued to the respective stockholders for so much as shall appear to be the value of their stock upon the books of the company, and upon such stock the holders thereof shall thereafter be entitled to receive interest at the rate of ten per centum per annum, payable half yearly on the first days of January and July, and the certificates so issued by the board of directors shall be legal and binding upon all parties concerned; and the stock held as aforesaid shall not be impaired until all other resources of the company shall have been exhausted; provided that no change made in the affairs of the said company, under the authority of this act, shall in any way impair the liability of the said company, or of the stockholders thereof, for or upon any insurance made by the said company, previous to the cancellation of the said certificates of stock as aforesaid.

SEC. 2. That the board of directors of the said company shall, within one month after the first day of January, one thousand eight hundred and forty six, and within the month of January in every succeeding year, cause an estimate to be made, as near as may be, of the profits of the said company during the preceding year, in which estimate the losses and expenses of the company for the year, together with the interest on the capital stock according to the tenor of the first section of this act, shall be deducted from the earnings of the said company during the same year, arising as well from premiums as from the income derived from investments, and the balance, if any, shall be deemed the net profits of such preceding year, which estimate shall be binding upon all persons entitled to receive certificates, as hereinafter mentioned; and the board of directors shall thereupon credit upon the books of the said company, each person or firm who shall have paid any premiums to the company for insurance, for their own account or on account of others, during the preceding year, after the taking effect of this act, with such a portion of the said net balance, exclusive of fractional parts of ten dollars as hereinafter mentioned, as the amount of premiums paid by such person or firm during such year, and not returned, shall be of the whole amount of premiums received by the company during said year, less returned premiums, and shall issue to said person or firm, a certificate, declaring him or them, their executors, administrators or assigns, to be entitled to a portion of the funds of said company, equal to the amount so credited to him or them, and also to the receipt, annually, of an interest not exceeding six per centum per annum, which certificate shall contain a proviso, that the amount named therein is liable for any future loss by the said company; and no person or firm shall be credited with, or receive a certificate for a share of profits less than ten dollars, but such credit and certificate shall always be for the largest multiple of ten dollars contained within such share of net profits as aforesaid; and all shares of such profits less than ten dollars, and all excesses of other shares

over multiples of ten dollars, shall be passed to the contingent fund of the company.

SEC. 3. That whenever the directors shall issue certificates under the second section of this act, they shall redeem an amount of capital stock equal to the amount of certificates so issued, either by purchase or by paying the holders thereof their proportionate amount, and by indorsing the same upon each certificate of capital stock, or by issuing new certificates for any balance not redeemed as aforesaid; and whenever the amount of certificates issued, as aforesaid, after the redemption of the capital stock, as aforesaid, shall exceed one hundred thousand dollars, then the board of directors may, if they deem it expedient, redeem, as aforesaid, an amount of certificates previously issued, not exceeding such excess; provided that the certificates of oldest date, shall, in all cases, be first redeemed.

SEC. 4. That the stock and affairs of the said company shall be managed and conducted by twelve directors, who shall be stockholders and residents of the city of Dayton, and six of whom shall constitute a quorum for the transaction of the business of the company.

SEC. 5. That every person or firm, holding certificates issued under this act, shall be entitled to one vote for every twenty dollars so held; and the certificates may be assigned and transferred on the books of the company, in person, or by power of attorney, but no stockholder, indebted to the company, shall be permitted to make a transfer or to receive interest until such debt is paid, or secured to the satisfaction of the directors; and in suits at law or in equity, in which the said company is a party, the holders of certificates, not being in their individual capacities, parties to such suit, shall be competent witnesses.

SEC. 6. That so much of the act, to which this is an amendment, as is inconsistent with the provisions of this act, is hereby repealed; and this act shall take effect and be in force so soon as the holders of a majority of the stock in the said company shall, in writing, approve this act, of which the directors shall give public notice.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.

DAVID CHAMBERS.

Speaker of the Senate.

March 8, 1845.

AN ACT

To incorporate the Byron, Yellow Springs and Clifton Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That Nathan P. Plowman, John B. Knox, William Mills, William Bell, Simon Wolf, William Patton and William P. Huffman, of Greene county, and their associates, be and they are hereby created a body corporate, under the name of the Byron, Yellow Springs and Clifton Turnpike Road Company, for the purpose of constructing a road from the Dayton and Springfield Turnpike, commencing where the present county road from John Knisely's mills crosses said turnpike, and running the straightest prac-*

licable route to Byron, Yellow Springs and Clifton, following as nearly as may be the present state and county roads, between said different points, which shall have all the rights, privileges and powers, and be subject to all the restrictions defined in the "act to provide for the regulation of turnpike companies," passed January seventh, one thousand eight hundred and seventeen, and the several acts amendatory thereto, except in so far as the same may be modified or changed by the special provisions of this act; provided that such company shall at no time contract debts or liabilities to an amount greater than the amount of stock of the company, at such time actually subscribed and held by responsible stockholders, and remaining unexpended, inclusive of such profits or income as may reasonably be expected to accrue within one year from the time of so contracting.

SEC. 2. The capital stock of said company may be forty thousand dollars, divided into shares of fifty dollars each.

SEC. 3. That the above named commissioners shall meet at Byron, at such time as they shall think fit, and proceed to organize the said company, and to take order for the opening of books for the subscription of stock, agreeably to the second section of the said act to provide for the regulation of turnpike companies.

SEC. 4. That as soon as one hundred shares shall be subscribed, the above named commissioners shall call a meeting of the stockholders in the manner prescribed in the third section of the act to provide for the regulation of turnpike companies, for the election of five directors for the government of said company.

SEC. 5. That said company be and they are hereby authorized to demand and receive from persons traveling said road the following tolls for every ten miles travel on said road, and in the same proportion for a less distance, to wit:

For every four wheeled carriage, drawn by two horses or oxen, fifteen cents; for every horse or ox in addition, five cents;

For every horse and rider five cents, for every horse, mule or ass six months old or upwards, led or driven, three cents;

For every head of neat cattle, six months old or upwards, one cent;

For every head of sheep or hogs, one fourth cent;

For every four wheeled pleasure carriage, drawn by two horses, twenty cents, for every horse in addition, five cents;

For every two wheeled pleasure conveyance, drawn by one horse, ten cents;

For every four wheeled pleasure carriage or buggy, drawn by one horse, ten cents;

For every cart drawn by one horse or two oxen, ten cents; for every horse or ox in addition, five cents;

SEC. 6. That whenever five continuous miles of said road are completed, according to the provisions of the said act for the regulation of turnpike companies, the aforesaid company may erect a gate and receive tolls from persons traveling said road, at the above specified rates; provided that such persons shall be exempt from paying tolls as are exempted in the eleventh section of the aforesaid act for the regulation of turnpike companies, saving only persons conveying public mails of the United States,

which last mentioned persons shall not pass free as in the said act provided.

SEC. 7. That said company, and the corporators thereof, shall be subject to the provisions of all acts now in force, or which may be hereafter enacted, for the purpose of governing and regulating turnpike companies generally, in this state.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 8, 1845.

AN ACT

To amend the act entitled "An act to incorporate the Port Washington Manufacturing Company," passed February 14th, 1838.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the corporators of the Port Washington Manufacturing Company, shall have perpetual succession, and that they be hereby authorized to extend the capital stock of the said company to any amount not exceeding one hundred thousand dollars, provided that the individual shares of said stock shall remain the same as specified in the act to which this is an amendment.

SEC. 2. That the said company shall be authorized to purchase, upon such terms as may be agreed upon by the parties, the dam recently erected across the Tuscarawas river, by Knight and Woodward, and after such purchase, to use the water therefrom at pleasure, and to keep up and maintain said dam to any height not exceeding six feet above low water mark, and also to protect the banks of said river so far as may be necessary to prevent the water of the same from washing ditches or gutters around the said dam; the said company shall also be authorized to construct a sidecut or canal extending from said dam, and again intersecting the said Tuscarawas river at or near the bridge across the same, opposite the town of Port Washington, and to use the water in said canal for any such manufacturing purposes as the company may desire, to erect factories and manufacturing establishments, and to rent or lease any portion of the water power, which may be thus created, for the purposes above mentioned.

SEC. 3. That if, for the purpose of constructing said canal or sidecut, it shall be necessary for the said company to enter upon the lands of any individual, who may feel himself or herself aggrieved or injured thereby, and if the owner or owners of such lands do not agree with said company as to the amount of compensation which shall be paid to such owner or owners, the person or persons claiming compensation as aforesaid may select one arbitrator, and the said company shall select one arbitrator, and the two thus selected shall choose a third, all of whom shall be sworn and paid as arbitrators in other cases; and the three, or a majority of them, shall award as arbitrators between the parties, and render copies of their

award to each of the parties in writing, from which award, either of the parties may appeal to the court of common pleas for the county of Tuscarawas; and all appeals in such cases shall be in all respects proceeded in, in the same manner as appeals to said court in other cases; such appeals shall be brought before said court by filing the award of the said arbitrators with the clerk, whose duty it shall be to enter the same on the docket of said court, setting down the claimant or claimants as plaintiff, and the said company as defendant; and when the valuation for damages shall have been ascertained, as above provided, and when the amount of such valuation shall have been paid, or tendered to the claimant or claimants by the said company, then and thereafter, the said company shall have the same right to the use and occupation of so much of the said lands as may have been thus adjudged upon, the same being necessarily occupied for the use of said canal or sidecut, as fully and absolutely as if the same had been granted by deed to the said company.

SEC. 4. That so much of the act entitled "an act to incorporate the Port Washington Manufacturing Company," passed February fourteenth, one thousand eight hundred and thirty eight, as conflicts with the provisions of this act, be and the same is hereby repealed.

SEC. 5. That this act shall take effect from and after its passage.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 8, 1845.

AN ACT

To incorporate the Merchants Mutual Safety Insurance Company, of Cincinnati.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Moses Rauney, Samuel Fosdick John P. Tweed, Thomas H. Minor, C. G. Springer, George Shillito, Robert Brown, P. Rogers, Thomas O'Shaughnessy, J. W. King, Richard Bates, James Johnson, James C. Hall, J. W. Canfield, C. S. Burdsal, W. H. Harrison, J. B. Harrison, William Resor, M. B. Ross, Thos. C. Shipley, N. Merriweather, jr., Tyler Davidson, John Reeves, Ezra Elliott, and their associates, shall be and they are hereby created a body politic and corporate, by the name and style of the Merchant's Mutual Safety Insurance Company, with the powers necessary and incident to a body corporate, as such—

First.—To make insurance on dwelling houses, shops and other buildings, household furniture, merchandise, and other property, against loss or damage by fire;

Second.—To make marine insurance upon vessels, goods, wares and merchandise, freight, bottomry and respondentia interests, and to make all and every insurance appertaining to, or connected with, marine risks.

SEC. 2. All persons who shall hereafter insure with the said corporation, and also their executors, administrators and assigns, continuing to be insured in said corporation as hereinafter provided, shall thereby become members thereof, during the period they shall remain insured, and no longer.

SEC. 3. All the corporate powers of the said company shall be exercised by a board of trustees, and such officers and agents as they may appoint. The board of trustees shall consist of twenty four persons, all of whom must be citizens of this state; they shall elect a president annually, who shall be a member of this corporation, and they shall have power to declare by a bylaw what number of trustees less than the majority of the whole shall be a quorum for the transaction of business.

SEC. 4. The persons named in the first section of this act shall constitute the first board of trustees.

SEC. 5. The trustees shall at their first meeting divide themselves by lot into four classes of six each. The term of the first class shall expire at the end of one year; the term of the second class shall expire at the end of two years; the term of the third class shall expire at the end of three years; the term of the fourth class shall expire at the end of four years, and so on successively each and every year. The seats of these classes shall be supplied by the members of this corporation, a plurality of votes constituting a choice. This section shall not be construed to prevent a trustee going out, from being eligible as a new trustee.

SEC. 6. Every person who shall become a member of this corporation, by effecting insurance therein, shall, the first time he effects insurance, and before he receives his policy, pay the rates that shall be fixed upon and determined by the trustees; and no premium so paid shall ever be withdrawn from said company, but shall be liable to all the losses and expenses incurred by this company during the continuance of its charter.

SEC. 7. It shall be lawful for the said corporation to invest the said premiums in the securities designated in the three following sections, and to sell, transfer and change the same, and reinvest the funds of said corporation, when the trustees shall deem expedient.

SEC. 8. The whole of the premium received for insurance by said corporation, except as provided for in the following sections, shall be invested in bonds and mortgages on unincumbered real estate within the state of Ohio; the real property to secure such investment of capital shall in every case be worth fifty per cent. more than the sum charged thereon.

SEC. 9. The trustees shall have power of investing a certain portion of the premium received, not to exceed one third part thereof, in public stocks of the United States, or of any individual state, or of any incorporated city within the state of Ohio.

SEC. 10. The officers of said corporation, at the expiration of one year from the time that the first policy shall have been issued and bear date, and within one fortnight thereafter, and during the first fortnight of every subsequent year, shall cause a balance to be struck of the affairs of the company, in which they shall charge each member with a proportionate share of the losses of said company, according to the original amount of premium paid by him; but in no case shall such share exceed the amount of such premium. Each member shall be credited with the amount of said

premium, and also with an equal share of the profits of the said company derived from investments, in proportion to said amount.

SEC. 11. On some day in the first fortnight after the expiration of the first year from the time when the said company shall issue their first policy, and within the first fortnight of every subsequent year, the officers of the said company shall cause to be made and printed a general balance statement of the affairs of the said company, which shall contain—

First—The amount of premiums received during the previous year, specifying what amount was received on fire risks, and what are marine risks;

Second—The amount of the expenses of the said company during the year;

Third—The amount of losses incurred during the year, specifying what amount of losses have been incurred on fire risks, and what are marine risks;

Fourth—The balance remaining with said company;

Fifth—The nature of the security on which the same was invested; specifying what amount is invested on real security in the city of Cincinnati, what on real security out of the city of Cincinnati; what in stocks, and what amount of cash is on hand. A printed copy of this statement shall be delivered to each member on request, and the said statement shall be printed daily for one week during the first fortnight of each year as aforesaid, in the state paper, and in two daily papers in the city of Cincinnati.

SEC. 12. Suits at law may be prosecuted and maintained by any member against said corporation, for losses or damages insured against by them, if payment is withheld more than sixty days after the company is duly notified of such losses; and no member of the corporation, not being in his individual capacity a party to such suit, shall be incompetent as a witness.

SEC. 13. The operations and business of the corporation shall be carried on at such place in the city of Cincinnati as the trustees shall direct, and not elsewhere.

SEC. 14. No policy shall be issued by said company, until application shall be made for insurance for five hundred thousand dollars.

SEC. 15. The legislature shall have power at any time hereafter, to repeal, alter, or modify this act, or any of its provisions.

SEC. 16. This act shall take effect immediately after its passage, and continue in force for the period of twenty years, and no longer.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 8, 1845.

AN ACT

To authorize William Lewis, Trustee of the Mechanics and Traders' Bank of Cincinnati, to commence and prosecute suits against the debtors of said bank.

Whereas, it has been represented to the general assembly of the State of Ohio, that certain persons associated themselves together, in the year one thousand eight hundred and thirty eight, by the name of the Mechanics and Traders' Bank, of Cincinnati, for the purpose of carrying on business in the city of Cincinnati, according to the articles of association, and that many persons are now indebted to said association, by bonds, bills, notes, and for money loaned; and that owing to the large number of the associates, and to the doubts which are entertained as to the right of said association to recover debts so due, whereby the said association is unable to meet its own obligations; and, whereas, said Mechanics and Traders' Bank has ceased to transact business, and for the purpose of winding up its affairs and liquidating its debts, has assigned its assets to William Lewis, as trustee, for the benefit of its creditors and stockholders:

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That* William Lewis, of the city of Cincinnati, Trustee of the Mechanics and Traders' Bank of Cincinnati, be and he is hereby authorized, in his own name, as trustee as aforesaid, to commence and prosecute in any of the courts of this state, any and all necessary suits in law or in chancery, against any one and all persons, bodies politic or corporate, who now are indebted to the said Mechanics and Traders' Bank, by bond, bill, note or otherwise, and to recover in such suits the amount which may be found due and owing, and that suits may, in like manner, be prosecuted upon any notes, bonds or bills, and all parties thereto, which may have been payable or negotiated to said institution, or any authorized officer thereof, and also against all delinquent stockholders of said institution for the balance due on their subscriptions for stock in such company.

SEC. 2. That in case of the death of said William Lewis, or of his successor, or his removal from, or resignation to the said office of trustee, then, and in that case, suits may be commenced and prosecuted in like manner by any person who may be appointed trustee of said Mechanics and Traders' Bank, by the court of common pleas of Hamilton county, and which court, in any such event, is hereby authorized and empowered, from time to time, to appoint a new trustee in the place of said Lewis, or any person appointed to the office.

SEC. 3. That in case of the death of the said William Lewis, or any other trustee so appointed as aforesaid, after the commencement of any suit as aforesaid, before or after judgment, such suits so pending shall not abate, but the same shall be revived from time to time, by any court of this state, in which such suit may be pending, in the name of the substituted trustee, upon suggesting the fact of record, and upon proof exhibited of such appointment, and such suits and judgments so revived, may be prosecuted in the name of such substituted trustee until the debt is satisfied.

SEC. 4. That in all such suits, so to be prosecuted as aforesaid, it shall not be lawful for the defendant or defendants to plead, set up, or insist upon in defence, that the notes, bonds, bills or other written evidences of such indebtedness are void on account of their being contracts against, or

in violation of any statute law of this state, or on account of their being contrary to public policy; provided, however, that nothing in this act shall be construed as giving the sanction of the general assembly to the issuing of any evidences of debt, intended or calculated to circulate as money by any individual or company, not expressly authorized by law so to do, nor that such acts were in accordance with public policy.

SEC. 5. Any creditor of the said Mechanics and Traders' Bank, of Cincinnati, having judgment or decree against any stockholder of said company, obtained for a debt contracted by said company, may proceed against the debtors of said company to obtain satisfaction of his judgment or decree, in the same manner as he would be authorized to do, if he had the same judgment or decree against the said company; and any stockholder of such company, who shall pay or who has paid any debt or debts of such company, shall be entitled to have contribution from all other stockholders of such company for the amount so paid by him, in proportion to the amount of stock by them severally held.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 8, 1845.

AN ACT

To amend the act entitled "An act to incorporate the Columbus and Xenia Railroad Company," passed March twelfth, one thousand eight hundred and forty four.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the term of twenty years, as specified in the eighteenth section of the act to which this is an amendment, be extended to thirty five years.

SEC. 2. If the subscribers to the company, incorporated by the act above referred to, shall not become so far organized as to elect a board of directors within two years from the passage of this act, and within eighteen months thereafter make bona fide contracts for the construction of at least one fourth of said road, and if they shall not, within ten years from the passage of the act to which this is an amendment, complete said road, then, and in either case, the privileges of the corporation shall cease, and this act, together with the act hereby amended shall be null and void.

SEC. 3. Each subscriber, at the time he subscribes, shall pay five dollars on each share of stock subscribed by him, or secure the payment of the same to the commissioners, as may be required by them.

SEC. 4. That the directors of said company, before they shall enter upon and take possession of any lands for the purpose of constructing the said road, or for the purpose of procuring materials for the same, shall give security to the satisfaction of the owners thereof for the payment of any damages which may be determined upon as provided for in the eleventh section of the act to which this is an amendment.

SEC. 5. That said company shall not contract debts beyond the amount of its capital stock actually subscribed, and the payment of which shall

be considered safe and secure, and remaining unexpended, inclusive of such profits as shall have accrued, and may reasonably be expected to accrue within one year from the time of contracting such debts, unless at the time of making such contract the party contracting with said company be informed of such want of means on the part of such company, and by agreement, in writing, specify the time or manner in which such debt shall be paid.

SEC. 6. That section five and section nineteen of the above act, to which this is an amendment, be and the same are hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 8, 1845.

AN ACT

To incorporate the Franklin Fire Engine and Hose Company, of Cincinnati.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Jacob Jacobs, E. T. Collins, Daniel Conahan, and their associates, be and they are hereby created and declared a body corporate and politic, by the name of the Franklin Fire Engine and Hose Company, of Cincinnati, and, as such, shall be capable in law of suing and being sued, pleading and being impleaded, in any action or suit in any court having competent jurisdiction. They shall have power to possess and hold all property, whether real or otherwise, and shall be competent to contract and to be contracted with, to enact bylaws, and adopt such regulations as may be deemed proper for the good order of said company, provided such bylaws and regulations are not contrary to the laws of this state or of the United States.

SEC. 2. The officers of said company shall consist of a president, vice president, secretary and treasurer, and a foreman and assistant foreman for each division, who shall be elected by ballot, on the second Monday in April, in each year, and shall hold their offices until their successors are chosen, provided that a failure to make an election on the day herein appointed shall not work a forfeiture of the privileges of the corporation; but in case of such failure from any cause, the company shall have power to appoint any such other day for an election as they may think fit.

SEC. 3. That said company shall have power to use a common seal, which they may break, alter or renew at pleasure.

SEC. 4. That this act shall be taken, received and construed as a public act, and shall take effect from and after its passage; provided that nothing herein shall be so construed as to grant to said company the privileges of banking.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 8, 1845.

AN ACT

For the relief of the creditors of the Granville Alexandrian Society, and to enable said society to collect and pay its debts.

Whereas, doubts exist whether the holders of notes and bills issued for circulation by the Granville Alexandrian Society, at Granville, in Licking county, have a right, in law, to coerce payment thereof by said Granville Alexandrian Society, for the reason that the act incorporating said society does not confer banking privileges, or the right to issue notes and bills for circulation; and, further, doubts exist whether said Granville Alexandrian Society hath, in law, a right to enforce the payment of demands and claims, contracted by third persons, to be paid to said Granville Alexandrian Society, or for its use, and equitably due to said society, arising in the course of banking business heretofore transacted by it, for the same reason above mentioned; therefore, to remove said doubts, and for the benefit and security of the creditors of said Granville Alexandrian Society, and to the end that the unsettled business of said society may be finally closed, on principles of equity and justice—

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall and may be lawful for all persons holding notes or bills issued by said Granville Alexandrian Society, by suit at law, before any court of competent jurisdiction in this state, in behalf of said holders, as plaintiffs, against said Granville Alexandrian Society, in its corporate capacity, as defendant, to recover against said society the amount due in equity upon said notes and bills, and by process of execution, or other legal or equitable remedy, according to the usual and ordinary course of justice, to enforce payment of such recovery out of the assets, legal or equitable, of said Granville Alexandrian Society.

SEC. 2. That it shall and may be lawful for the said Granville Alexandrian Society, in its corporate name, and for its use, in the name of any person or persons in whom the legal title may be vested, as plaintiff, by suit at law or bill in equity, according to the nature of the subject matter, to enforce payment, according to the usual course of justice, of any claim or demand, in law or equity, of the amount due or owing thereon, in equity, from any person or persons to said society, arising upon any contract or transaction with said society, whether the same related to, or grew out of, a banking transaction of said society, or otherwise, howsoever.

SEC. 3. That nothing in this act contained shall be construed, in any court of justice, as to confer upon said Granville Alexandrian Society banking powers or privileges, at any time after the passage of this act, or, as a legislative recognition of the existence of such powers or privileges, at any time before the passage of this act, or change the mode of proceedings in any suit now pending, to which the said society is a party; and in any decree to be rendered in any case wherein the Granville Alexandrian Society is a party, by itself or with any of its debtors, whether to cancel securities, or subject the assets of said society to the payment of creditors, no such security or assets shall be held invalid by reason of any provision, in any of the laws of this state, in relation to unauthorized banking or bankers; provided, also, that if said Granville Alexandrian Society shall, by virtue of the provisions of this act, avail itself of the right to enforce payment of any

demand now due to said society, said society, by reason thereof, shall be deemed to have surrendered any and all rights, or pretence of rights, it otherwise might have, in any way or manner, to exercise banking powers or privileges.

SEC. 4. That nothing in this act contained shall operate as a bar to any legal right, if any such right now exists in law, on behalf of any holder of any such notes or bills of said society, issued for circulation as aforesaid, to prosecute to final judgment or execution any suit, or suits at law, against any of the stockholders of said society; but in case of a recovery in any such suit, and payment thereof, by any stockholder or stockholders, he or they so paying shall, in equity, be entitled to have an action against such society for money paid for the use of said society, for the amount so paid; and the legal and equitable assets of said society, after all other creditors, besides the stockholders thereof shall be fully paid, shall be liable for the payment of the claim of such stockholder or stockholders for the amount by him or them so paid for such society; and the stockholder or stockholders paying, as aforesaid, shall also be entitled to have contribution from all other stockholders, in proportion to the amount of stock by them severally held, for the amount so paid; provided, however, that nothing herein contained shall be construed as declaratory of a liability, on the part of the stockholders, to respond in actions against them, or any of them, in their individual capacity, to the payment of the debts of said society, or to the contrary, it being the intent of this act to leave all questions touching the individual liability of said stockholders as the same existed before the passage of this act.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 8, 1845.

AN ACT

To divorce Aaron Glass from his wife, Mary Glass.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That the marriage contract heretofore subsisting between Aaron Glass and his wife, Mary Glass, be and the same is hereby dissolved.*

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 10, 1845.

AN ACT

To amend the act to incorporate the town of Warren, in the county of Trumbull.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the annual meeting of the town council of the town of Warren shall hereafter be held on or before the first Monday in June, each year; and, at such annual meeting, it shall be lawful for the town council to require every able bodied male person, between the ages of twenty one and sixty years, who shall have resided three months or more within the limits of said town, and who shall have and possess therein no property subject to taxation, to perform two days' work, annually, upon the streets, alleys or sidewalks of said town, under the direction of the proper authorities thereof, which may be discharged on payment, by each individual, of one dollar and twenty five cents in money; and the performance of said labor, or payment of said money, at the time, and in the manner prescribed by the town council, but not otherwise, shall entitle the person, so assessed, after one year's residence, to the right of suffrage at all elections held under the authority of the act, to which this is an amendment.

SEC. 2. That there shall be elected, at the next annual election, eight trustees, four of whom to be determined by lot, and shall hold their office for the term of two years, and four for the term of one year only; and, at the annual election thereafter, there shall be chosen four trustees, who shall hold their office for two years, and until their successors shall be elected and qualified; and the mayor of said town shall be elected, and hold his office for the term of two years, and until his successor shall have been chosen and qualified; and the other officers of said town shall hold their offices for the period now prescribed by law.

SEC. 3. The town council shall have power to levy and collect taxes on all real and personal property included within the corporate limits of said town, which shall be liable to taxation for state and county purposes, as the same shall be assessed, appraised and returned on the grand levy of the state, provided such taxes, so levied, shall not exceed, in any one year, three mills on the dollar upon the assessed valuation of such property, returned as aforesaid; which said tax shall be levied and collected in the manner following, to wit—The said town council shall, on or before the first Monday in June, in each year, determine the per centum to be levied upon the taxable property within the limits of said corporation, not exceeding the amount aforesaid, and cause the same to be certified to the auditor of Trumbull county; and the said auditor is hereby directed and authorized to place the same in an additional column upon the duplicate of taxes for said county, in the manner in which township taxes are now placed upon said duplicate, which corporation taxes shall be collected by the county treasurer, or such other officer as may hereafter be authorized by law to collect the county taxes of said county, and shall be entitled to receive, on settlement with the county auditor, the same fees, to be allowed out of the corporation taxes, so collected, as he may be allowed for the collection of the like amount of other taxes; provided the said treasurer shall receive, in payment for said corporation taxes, any orders or certificates issued by said town, which may be presented in payment for corporation taxes.

SEC. 4. That for delinquent corporation taxes the same penalties shall accrue, and the same proceedings had for the collection thereof, as is now or hereafter may be in force for the collection of state and county taxes.

SEC. 5. That it shall be the duty of the county auditor, at the time of settlement with the county treasurer, after deducting his fees for collecting, give to said treasurer a certificate of the net amount collected for corporation purposes, and it shall be the duty of said treasurer, within ten days thereafter, to pay to the treasurer of said town the full amount specified in said certificate; and all town orders or certificates received by him in payment for said taxes, shall be allowed and received the same as money by the treasurer of said town.

SEC. 6. That the county auditor shall be entitled to receive for his services, under this act, the same fees that are or may be provided by law for like services in relation to state and county taxes, (he being allowed only for the additional labor performed by placing such tax on the duplicate,) and shall be paid by the treasurer of said town, on the order of the town council.

SEC. 7. That the town council shall have full power, by town ordinance, to require each and every property owner, of any town lot or lots fronting on the streets and alleys in the corporate limits of said town, to make, or cause to be made, sidewalks, such as said town council shall, from time to time, direct by ordinance to be done; and in case any such property owner or owners shall neglect or refuse to comply with the requirements of said town council, within the time prescribed, the said town council may then, and in that case, cause the same to be done; and the cost of said work shall be assessed as a tax on the premises, and certified to the county auditor, and be by him entered on the duplicate, and collected in the same manner as other taxes of said town are collected, under this act.

SEC. 8. The marshal of said town shall have power to appoint one or more deputies, and, at pleasure, dismiss them from office, and shall, in all things, be responsible for their official acts.

SEC. 9. The town council shall have power, by town ordinance, to prohibit the erection of stables on the front lots in said town.

SEC. 10. That so much of the act, to which this is an amendment, as exempts personal or real estate, lying and being within the limits of the original town plat of said town of Warren, from taxation, for all corporation purposes, or which makes any distinction in the amount, or in the object for which taxes may be levied by the town council, upon real or personal estate, lying and being without, or beyond the limits of said original town plat, but within the said corporation, and also all such parts of said act as are inconsistent with the provisions of this act, be and the same are hereby repealed.

SEC. 11. That this act shall take effect and be in force from and after the first day of April, one thousand eight hundred and forty five.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 8, 1845.

AN ACT

To incorporate the Rochester, Osceola and Martinsville Turnpike Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That* Alfred Watts, Benjamin Baldwin, Daniel Mills, Samuel Baldwin and Jacob Mann, of the county of Warren, and Henry Shunk, John Mitchell, Christopher Hiatt and George W. Johnson, of the county of Clinton, and their associates, be and they are hereby created a body politic and corporate, by the name of the Rochester, Osceola and Martinsville Turnpike Company, for the purpose of constructing a turnpike road, commencing near Rochester, in Warren county, at the road leading from thence to Clarksville, at the land line between P. Harrison's and B. Talliaferro's surveys; thence with said line to the lands of Jonah Whitacre; thence the nearest and best way to the Goshen, Wilmington and Columbus Turnpike Road, pursuing, as near as practicable, a route surveyed by W. H. Clement; thence leaving said turnpike at the south fork of Sugar run, in the town of Osceola, up said south branch with or near the county road to the Columbus state road; thence with said road to a point opposite the Presbyterian Church, near Jacob Mann's; thence, passing south of his dwelling, the nearest and best way to the east end of the town of Martinsville, in Clinton county; which company shall have all the rights, privileges and powers granted in this act, and the several laws now in force for the regulation of turnpike companies generally, and be subject to all the restrictions contained in said laws which are not inconsistent with the provisions of this act.

SEC. 2. The capital stock of said company shall be one hundred thousand dollars, divided into shares of twenty five dollars each.

SEC. 3. The above named corporators, or a majority of them, shall meet at such time and place as they think proper to appoint after the passage of this act, and proceed to organize the said company, and take order for the opening of books for the subscription of stock, agreeably to law.

SEC. 4. That as soon as two thousand dollars of stock shall be subscribed, said company may proceed to organize by electing seven directors in the manner pointed out by law, and when so organized, may commence the construction of said road.

SEC. 5. That so soon as said company shall have completed said road from the place of beginning to the Goshen, Wilmington and Columbus Turnpike, by a good grade, such as is required by law, and by covering the same with broken stone or gravel, sixteen feet wide, and a sufficient depth, and shall have completed a substantial bridge across Todd's Fork, and shall have had the same examined by three freeholders, as provided for by law, said company may proceed to erect a gate, and receive the following rates of toll from persons traveling over that part of said road, viz:

For every four wheeled carriage, drawn by two horses or oxen, five cents; for every horse or ox in addition, two and a half cents;

For every sled or sleigh, drawn by two horses or oxen, five cents; for every horse or ox in addition, two cents;

For every horse and rider, two cents;

For every horse, mule or ass, six months old, led or driven, one and a half cents;

For every head of cattle, six months old, one cent;

For every score of sheep or hogs, five cents;

For every four wheeled pleasure carriage, drawn by two horses, ten cents;

For every two wheeled pleasure carriage, drawn by one horse, six cents;

For every four wheeled pleasure carriage, drawn by one horse, six cents;

For every cart, drawn by one horse or two oxen, four cents.

SEC. 6. That whenever five continuous miles of said road shall be completed east of Osceola, according to the provisions of the fifth section of this act, said company may erect an additional gate, and demand and receive from persons traveling the same, the following rates of toll, viz:

For every four wheeled carriage, drawn by two horses or oxen, ten cents; for every horse in addition, three cents;

For every sled or sleigh, drawn by one horse, five cents; for every horse in addition, three cents;

For every horse and rider, three cents;

For every horse, mule or ass, six months old or upwards, led or driven, two cents;

For every head of cattle, six months old or upwards, one cent;

For every score of sheep or hogs, five cents;

For every four wheeled pleasure carriage, drawn by two horses, twelve and a half cents;

For every two wheeled pleasure carriage, drawn by one horse, eight cents;

For every four wheeled pleasure carriage, drawn by one horse, eight cents;

For every cart, drawn by one horse or two oxen, six cents, and so on for each additional five miles of said road which they may finish.

SEC. 7. That said company and the corporators thereof, shall be subject to the provisions of "an act instituting proceedings against corporations not possessing banking powers, and the visitorial powers of courts, and to provide for the regulation of corporations generally," passed March seventh, one thousand eight hundred and forty two.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 8, 1845.

AN ACT

To incorporate the Goshen, Blanchester and Martinsville Plank Road Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Arthur McNeal, Samuel Nichols, Moses Fryberger and Ezra Plumber, of the county of Clermont, Joshua Thompson and Absalom Fox, of the county of Warren, Jonathan Baldwin, William Bundy, Samuel Baldwin, Thomas Elzy, Samuel K. Mitchel, Christopher Hiatt, Aaron Betts, George W. Johnson and Morris R. Chew, and all other persons who shall become associated with them, are hereby created a body corporate and politic, by the name of the Goshen, Blanchester and Martinsville Plank Road Company, for the purpose of constructing a plank road from the Goshen, Wilmington and Columbus Turnpike, about one half mile east of Goshen; thence on the track of the state road, to the forks of the road a few rods west of Blanchester; thence on the county road and Center street to Broadway street in said town; thence south with said Broadway street to Main street; thence with said Main street and the state road to the east end of the town of Martinsville.

SEC. 2. That the capital stock of said company shall be sixty thousand dollars, divided into shares of twenty five dollars each, to be paid in such installments as the board of directors may direct, and shall be transferable in such manner as the board of directors may direct.

SEC. 3. That the persons named in the first section of this act, or if any of them should refuse or neglect to serve, then any number of them, not less than five, shall be commissioners to receive subscriptions, and to do and perform all necessary acts to organize said company, and they are hereby authorized and empowered to open books for the subscription of stock to said company, at such places, and keep the same open for such time as they may deem proper.

SEC. 4. That whenever two hundred shares of stock shall be subscribed the commissioners shall call a meeting of the stockholders, by putting up advertisements at not less than ten public places on the route of said road, for at least fifteen days prior to such meeting, at which meeting, if a majority of the shares shall be represented, the stockholders shall proceed to elect five directors to manage the affairs of said company, who shall hold their respective offices for the term of one year, and until their successors are chosen and qualified.

SEC. 5. That the directors, chosen to manage the affairs of said company, shall each, before entering on the discharge of their duties, take an oath before some person having competent authority to administer oaths, faithfully to discharge their duties, and to be true to the interest of said company; they shall select from their number a suitable person to act as president of their board, and shall have power to appoint a competent person to act as secretary of said company, and enjoin on him such duties and allow him such compensation as they shall deem just; to appoint a treasurer, and require of him such bond and surety as they shall deem necessary for the safety of the funds of said company; the books of said secretary and treasurer shall, at all times, be open for the inspection of any stockholder in said company.

SEC. 6. That a majority in interest of the stockholders may, at any time, by giving the notice required in the third section of this act, remove any officer of said company for misconduct in office, provided the accused shall be furnished with a copy of the charges preferred against him, for at least ten days prior to the meeting for the purpose of expelling him; and in all ballotings under this act the stockholders may vote by proxy, and each share shall be entitled to one vote.

SEC. 7. That each director shall be a stockholder, and shall cease to be a director when he ceases to be a stockholder; and all vacancies in the board shall be filled by called meetings of the stockholders.

SEC. 8. The board of directors shall have power, to prepare and publish bylaws, not inconsistent with this act, or the constitution and laws of this state, or the United States; may have and use a common seal, and the same to change, alter or abolish at pleasure; shall be capable of acquiring property, real or personal, for the purpose of constructing said road or obtaining the right of way thereto, and the same to hold or dispose of at pleasure; shall be capable of suing and being sued, pleading and being impleaded in all courts and places as fully as natural persons are, and of doing any and every thing necessary and proper for constructing and repairing said road.

SEC. 9. That said company shall have the same right of way and to materials for the construction of said road, as is allowed to turnpike companies generally, and be subject to damages for either, in the same manner that such companies are by law subjected to damages.

SEC. 10. That whenever said company shall complete five continuous miles of said road by a good grade, not less than twenty five feet wide, with suitable culverts and bridges of stone or timber, and shall cover a track with plank, not less than two inches thick, and eight feet wide, or cover a track with stone or gravel, not less than sixteen feet wide, and of such depth as is required by law for the regulation of turnpikes generally, then, and in either case, said company may proceed to erect a gate, and demand and receive from persons traveling on said road the following rates of toll, viz:

For every four wheeled carriage, drawn by one animal, six cents; for every animal in addition, four cents.

For every sled or sleigh, drawn by one animal, six cents; for every animal in addition, four cents.

For every cart, drawn by one horse or two oxen, six cents.

For every pleasure carriage, drawn by one horse, ten cents; for every horse in addition, five cents.

For every horse and rider, three cents.

For every horse, mule, or ass, six months old or upwards, led or driven, two cents.

For every head of cattle, six months old, one cent.

For every score of hogs or sheep, five cents.

SEC. 11. The said company may demand and receive the same rate of tolls for any portion of said road, which they may complete in the manner provided in the next preceding section.

SEC. 12. That no director shall be a contractor on said road, nor shall the board of directors be permitted to contract debts to a greater amount

than the capital stock subscribed to said company, and owned by responsible stockholders at the time of making such contract, nor to an amount greater than their means on hand, or that may reasonably be expected to be in their possession within one year from the time of making said contract.

SEC. 13. That the directors shall have power to fix the time for the payment of the stock, and the installments on each share, but not more than one fifth of a share shall be required in any one installment, nor shall installments be required to be paid more frequently than once in sixty days, but said directors shall have power to sue for, and collect from any delinquent stockholder, any installments due, and unpaid on such delinquent subscription.

SEC. 14. If said company shall not organize and commence said work within five years, they shall forfeit the rights acquired by this act.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.

DAVID CHAMBERS,
Speaker of the Senate.

March 8, 1845.

AN ACT

To incorporate the Central Ohio Insurance Company, of Licking county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That L. K. Warner, Henry Smith, A. W. Dennis, Isaac Schmucker, Daniel Duncan, B. W. Brice, jr., George M. Young, and all other persons that may hereafter become members of said company, in the manner herein prescribed, be and they are hereby incorporated, and made a body corporate and politic, by the name of the Central Ohio Insurance Company, of Licking county, for the purpose of insuring their respective dwelling houses, stores and other buildings, household furniture, merchandise, and other personal property, against loss or damage by fire, whether the same shall happen by accident, lightning, or by any other means, excepting that of design in the assured, or by the invasion of an enemy or insurrection of the citizens, of this or of any of the United States, and, by that name, may sue and be sued, plead and be impleaded, appear, prosecute and defend in any court of record, or other place whatever; may have and use a common seal; may purchase and hold such personal and real estate as may be necessary to effect the objects of their association, and the same may sell and convey at pleasure; may make, establish and put in execution such bylaws, ordinances and resolutions, not being contrary to the laws of this state and of the United States, as may seem necessary or convenient for their government and the management of their affairs, and do and execute all such acts and things as may be necessary to carry into full effect the purposes of this act.

SEC. 2. Every person who shall, at any time, become interested in

said company by insuring therein, and also their respective heirs, executors, administrators and assigns, continuing to be insured therein, as hereinafter provided, shall be deemed and taken as members thereof, for and during the time specified in their respective policies, and no longer, and shall, at all times, be concluded and bound by the provisions of this act.

SEC. 3. There shall be a meeting of said company at Newark, in the county of Licking, on the first Wednesday of June, annually, or on such other day as said company may hereafter determine; at which first annual meeting shall be chosen, by a major vote of the members present, and by proxy, a board of directors, consisting of not more than fifteen, nor less than five members, who shall continue in office until others have been chosen, and accepted the trust in their stead; all vacancies happening in said board may be filled by a majority of the directors present, at any regular meeting of the same, which directors, so chosen, shall remain in office during the term for which the vacating directors were elected. At their first regular meeting the board of directors shall class themselves, by lot, into three classes of an equal number, as near as may be, the term of whose service shall respectively expire, as follows: the first class in one year, the second class in two years, and the third class in three years, and, after the termination of the first named period, one third of the directors shall be elected annually, commencing with those who have served the longest period; special meetings of the company may be called by the directors, or in such other mode as the bylaws may prescribe.

SEC. 4. The board of directors shall superintend the concerns of said company, and shall have the management of the funds and property thereof, and all matters and things thereunto relating, not otherwise provided for by said company; and a majority of the whole number shall constitute a quorum for the transaction of business; they shall have power, from time to time, to appoint a secretary, treasurer, and such other officers, agents and assistants, as may be necessary; prescribe their duties, fix their compensation, and take such security from them as they may deem necessary for the faithful performance of their duties; they shall determine the rates of insurance, the sum to be insured on any building, or other property, not exceeding two thirds of its value, the amount of the premium note to be given for the insurance thereof, and shall direct the making and issuing of all policies of insurance, the providing of books, stationery, and other things needful for the office of said company, and for carrying on the affairs thereof, and may draw on the treasurer for the payment of all losses which may have been allowed, and for expenses incurred in transacting the concerns of said company; they shall elect one of their number to act as president, may hold their meetings as often as they may deem necessary for transaction of the business of the company, and shall keep a record of their proceedings; and any director disagreeing with a majority of the board at any meeting may enter his dissent with his reasons therefor, on record.

SEC. 5. Insurances shall be made, in all cases, upon the representation of the assured, contained in his application therefor, and signed by him or his attorney in fact, which representation shall, in fairness and good faith, state all the material circumstances within his knowledge which may affect the risk; provided that, in all cases of loss and damage by fire, the valuation of the property, at the time of such loss and damage, shall be determined

by the award of three impartial men, one to be selected by each of the parties, and the third by the two thus chosen.

SEC. 6. Every person who shall become a member of said company, by effecting insurance therein, shall, before he receives his policy, deposit his promissory note for such sum or sums of money as shall be determined by the directors, a part, not exceeding ten per cent. of which note, shall be immediately paid, for the purpose of discharging the incidental expenses of the institution, and the formation of a cash fund to meet losses promptly, and the remainder of said deposit note shall be payable, in part or the whole, at any time when the directors shall deem the same requisite, for the payment of losses and other expenses; and, at the expiration of the term of insurance, the said note, or such part of the same as shall remain unpaid after deducting all losses and expenses occurring during said term, shall be relinquished and given up to the signer thereof.

SEC. 7. Every member of said company shall be, and hereby is, bound to pay his proportion of all losses and expenses, happening or accruing in and to said company; and all buildings insured by and with said company, together with the right, title and interest of the assured to the lands on which they stand, shall be pledged to said company, and the said company shall have a lien thereon, against the assured, during the continuance of his, her, or their policies, and until all arrearages due for losses and expenses shall have been fully paid; provided no member of said company shall be liable for such losses or expenses to a greater amount than his or her or their premium note.

SEC. 8. In case of any loss or damage by fire happening to any member, upon property insured in and with said company, the said member shall give notice thereof, in writing, to the directors, or some one of them, or to the secretary of said company, within thirty days from the time such loss or damage may have happened, accompanied with such proof of the same as the bylaws may have prescribed, and the directors, upon a view of said loss or damage, or in such other way as they may deem proper, shall ascertain and determine the amount of the same; and if the party suffering, if not satisfied with the determination of the directors, the question may be submitted to referees, as provided for in the fifth section of this act, or the said party may bring an action against said company, for said loss or damage, at the next court to be holden in and for the county of Licking, unless said court shall be holden within sixty days after said determination, and, in that case, at any succeeding court, holden as aforesaid, within one year after said determination, and not afterwards; and if, upon trial of said action, a greater sum shall be recovered than the amount determined upon by the directors, the party suffering shall have judgment therefor against said company, with costs of suit, but if no more shall be recovered than the amount aforesaid, the said party shall become nonsuit, and the said company shall recover their costs; provided, however, that the judgment last mentioned shall in no wise affect the claim of said suffering party to the amount of loss or damage, as determined by the directors aforesaid; and, provided also, that execution shall not issue on any judgment against said company until after the expiration of three months from the rendition thereof.

SEC. 9. The directors shall, after ascertaining the loss or damage sus-
41—L. L.

tained by any member, for which the company is liable, or after the rendition of any judgment, as aforesaid, settle and determine the rate of assessment for such loss or damage, to which the members of said company are liable, as their respective portions of the same, and such assessment shall always be in proportion to the original amount of his, her, or their premium note or notes; and when the directors shall have ordered an assessment or assessments to be paid, they shall publish said order in such way as they may see fit, or as the bylaws may have prescribed, and the sum payable by the several members shall be paid to the treasurer within thirty days next after the publication of said order. If any member shall neglect or refuse the payment of any assessment duly ordered by the directors of said company, for the term of thirty days after the same shall have become payable, agreeably to public notice, by the treasurer, the party so in default shall be excluded and debarred, and shall lose all benefit and advantage of his, her, or their insurance or insurances, respectively, for and during the term of such default or nonpayment, and, notwithstanding, shall be liable and obliged to pay all assessments that shall be made during the continuance of his, her, or their policies of insurance, and the directors may also, after such neglect or refusal to pay as aforesaid, sue for and recover the whole amount of the premium note or notes of such delinquents, with costs of suit; and the money thus collected shall remain in the treasury of said company, subject to the payment of all losses and expenses that may accrue, and the balance, if any remain, shall be returned to the party from whom it was collected, on demand, after thirty days from the term for which insurance was made.

SEC. 10. In case it shall become necessary to resort to the lien on the property insured, after the refusal or neglect of the party insured, or his legal representatives to pay the assessment or assessments due, the said company may sustain an action on the deposit note, as hereinafter provided, and their execution may be levied on the insured premises, and the officer making the levy may sell the whole, or any part thereof, at auction, giving notice, and proceeding in the same manner as is required in sales under execution, or said company may proceed in equity, at its option. In all suits by or against said company, any member of said company shall be perfectly competent to act, whether he be judge of the supreme or county courts of this state, witness, juror, sheriff, or other officer, except in suits in which he or she shall be a party, provided that such member shall not be otherwise disqualified; and the records of said company, or copies thereof, duly authenticated by the signatures of the president and secretary, or the publisher of any newspaper in which the orders of the directors may be published, shall be deemed and taken as competent evidence in any suit in which said company may be a party.

SEC. 11. Said company may make insurance for any term not exceeding ten years, and any policy of insurance issued by said company, signed by the president, and countersigned by the secretary, shall be deemed valid and binding on said company, in all cases where the assured has a title in fee simple, unincumbered, to the building or buildings insured, and to the land covered by the same, and has complied fully with the conditions of his insurance; but if the assured have a less estate therein, or if the premises be incumbered, the policy shall be void unless the true title of the assured,

and the incumbrances on the premises, be expressed in the application for insurance, and shall also be void in cases where the assured has not complied with the conditions on which his policy was issued, as hereinbefore mentioned and provided for.

SEC. 12. The directors shall adjust and settle all losses within three months after they shall have been notified of the same as aforesaid, unless they shall judge it proper within that time to rebuild the building or buildings destroyed, or repair the damages sustained, which they are empowered to do in convenient time, provided they do not lay out and expend in such building or repairs more than the sum insured on the premises; but no allowance is to be made in any case in estimating damages, for gilding, historical or landscape painting, stucco or carved work, nor are the same to be replaced if destroyed by fire.

SEC. 13. In all cases where real or personal property, insured in and by said company, shall become alienated by sale, by change in partnership, or ownership, or in any manner whatever, the policies issued thereon shall be void, and shall be surrendered to said company to be canceled, and upon such surrender, and the payment of the proper proportion of all losses and expenses up to the time of such surrender, the assured shall be entitled to receive his, her, or their deposit note; and said company shall not be liable for any loss or damage which may happen to any property after such alienation as aforesaid, unless the policies issued thereon shall have been duly assigned or confirmed by the consent of the directors, to the actual owner or owners thereof previous to such loss or damage, provided, however, that the grantee or alienee having the policy assigned to him, may have the same satisfied and confirmed to him, her, or them, for his, her, or their own proper use and benefit, upon application to the directors, and with their consent, within thirty days next after such alienation, on giving proper security to the said directors, and to their satisfaction, for such portion of the deposit note as shall remain unpaid, and by such ratification and confirmation, the party causing the same shall be entitled to all the rights and privileges, and subject to all the liabilities to which the original party insured, was entitled and subjected under this act; and no policy issued by said company shall be deemed to have been duly assigned or confirmed, unless the consent of the directors to such assignment or confirmation is certified on such policy by the secretary of said company.

SEC. 14. If an alteration shall be made in any building by the proprietor thereof, after insurance has been made thereon, in and with said company, whereby it may be exposed to greater risk and hazard from fire than it was at the time it was insured, then, and in every such case the insurance made upon said building or personal property therein shall be void, unless an additional premium note after such alteration be settled with, and paid to the directors, but no alteration or repairs in buildings, not increasing said risk or hazard, shall in any wise effect the insurance previously made thereon.

SEC. 15. If insurance on any building or personal property shall be and subsist in such company, and in any other office or offices, and from and by any other person or persons at the same time the insurance in and by said company, shall be deemed and become void, unless such double insurance subsist by and with the consent of the directors, signified by certifi-

cates on the policy, signed by the president and secretary, or expressed on the face of the policy.

SEC. 16. The company shall not be concerned in any trade or other business, excepting such as is provided for in this act, nor shall said company, by any construction of the powers granted by this act, exercise any banking privileges whatever; and this act shall be taken to be a public act and shall be liberally construed to effect the ends and purposes hereby intended and contemplated.

SEC. 17. The directors may order the collection of such assessments as they may make, as often as the convenience and interest of sufferers may require, or as the bylaws may have prescribed; and, in order that losses may be paid with promptness, the directors are hereby authorized to borrow, on the credit of the company, such sum or sums of money as may be required to meet the losses and expenses sustained and allowed, and in making the assessments up for collection, the interest on money borrowed, and also necessary expenses shall be included in such assessments; for the security of prompt payment of the losses aforesaid, the premium or deposit notes of the company are hereby pledged.

SEC. 18. Each and every member of said company shall be entitled to and allowed an examination of the books, papers, and general transactions of said company, upon application to the secretary.

SEC. 19. It shall be the duty of the president of said company to make an annual report of its affairs to the members thereof, in such manner as the directors or bylaws may prescribe.

SEC. 20. It may and shall be lawful for any person or persons, applying for insurance in said company, at his, her, or their election, to pay to said company a certain definite sum of money, in full, for such insurance, which said sum shall be in lieu and place of a premium note, and such person or persons shall not be liable to said company during the continuance of his, her, or their policies, for any sum beyond the amount thus originally paid.

SEC. 21. That such sum or sums of money as shall be paid to said company, as provided in the preceding section, shall be retained as a fund for the payment of losses and expenses which may happen and accrue in and to said company, which said fund shall be exhausted before a resort shall be had to assessments upon premium notes deposited with said company; and this said fund, and the premium notes deposited with said company, shall constitute the capital of the company for the payment of losses and expenses.

SEC. 22. The individuals named in the first section of this act shall be, and they are hereby constituted a board of directors for said company, to serve as such until the first annual election of directors herein provided for; they shall have power, if they think fit, to increase their number to fifteen, as allowed in the first section of this act, from among the members of said company; and all vacancies occurring in their body may be filled by the remaining members thereof; and a majority of their number, at any time, shall constitute a quorum for the transaction of business; they may call the first annual meeting of the members of said company, at any time, at Newark, by advertisement, in the several newspapers printed in said town, giving at least ten days' notice of the time, place and design of the

meeting; they may make and establish bylaws for the government of said company, until the first annual meeting thereof, and may transact any business necessary and proper to carry into effect the provisions and intentions of this act; provided, however, that no policy shall be issued by said company until the governor of the state shall have made proclamation that application has been made for insurance in said company to the amount of thirty thousand dollars at least, of which notice shall be given him by the directors.

SEC. 23. It shall be lawful for said company to insure all kinds of property against loss or damage by fire, or any other cause, or risk in or out of this state; to insure against loss or damage on goods, merchandise or other property, in the course of transportation, whether on land or water, or any vessels or boats, wherever they may be, for a sum certain and definite, as provided in the twentieth section of this act.

SEC. 24. This act shall be subject to amendment or repeal, at the pleasure of this or any future general assembly of this state.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 8, 1845.

AN ACT

To authorize the sale of the southwest quarter of section number eleven, township number twenty one, and range number twenty, belonging to a fractional part of Paint township, in Holmes county, for school purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the southwest quarter of section number eleven, township number twenty one, and range number twenty, in the county of Richland, be and the same is hereby authorized to be sold; and such sale shall, in all respects, be governed by the provisions of an act entitled "an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto," passed February second, one thousand eight hundred and forty three.

SEC. 2. That in no case shall said land be sold for a less sum than five dollars per acre, nor less than the appraised value thereof.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 8, 1845.

AN ACT

To lay out and establish a Free Turnpike Road from Toledo, in Lucas county, to Woodville, in Sandusky county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That John Fitch, O. H. Knapp and Daniel Segur, of Lucas county, and Harvey L. Warrenor, of Ottawa county, and Ira K. Seaman, of Sandusky county, be and they are hereby appointed commissioners, to lay out and establish a free turnpike road, beginning at Toledo, in Lucas county, thence the best and nearest way to the village of Woodville, in Sandusky county, which shall be constructed, repaired and preserved in the manner pointed out in this act.

SEC. 2. That the said commissioners shall have power to appoint a superintendent or superintendents, and such other agents as they may deem necessary to carry into effect the provisions of this act; a majority of said commissioners shall be a quorum, having power to transact any business, and exercise any powers devolving upon or intrusted to them by this act; and they shall keep a record of their proceedings, which shall at all times be open for inspection by any person interested, desiring to inspect the same.

SEC. 3. The commissioners shall have power to receive subscriptions and donations in money, or property, real or personal, which shall be applied to the construction of said road; they may make contracts for constructing the same in a solid and durable manner, and keeping the same in repair; they may open and finish said road, in the first instance, along such portions of the line thereof as will soonest render the whole line thereof available for travel or transportation; and they shall have power to purchase and procure all the necessary implements and fixtures to preserve said road in repair.

SEC. 4. That said commissioners shall meet on the second Monday of April next, or within thirty days thereafter, and organize, by choosing one of their number president of said board, they shall then take measures to view, locate and establish said road, and of all such locations they shall file a copy with the auditors of the several counties through which said road may pass.

SEC. 5. The taxes levied on all real property for road purposes, within one and a half miles of said road, on each side thereof, except the Western Reserve and Maumee road lands, which shall not be taxed more than one half mile on each side of said road, and said taxable land shall not extend south of the Western Reserve and Maumee road, and all persons owing such taxes, who may wish to discharge the same in labor, shall apply such labor under the direction of said commissioners, or their agents, appointed for that purpose, at the rate of seventy five cents per day; and this section shall not remain in force more than ten years.

SEC. 6. So much of the taxes appropriated by this act as shall be paid into the county treasury shall be computed by the county auditors, and paid over to the treasurer or his order; and all taxes so computed by the county auditors shall be expended on said road by said commissioners in the several counties to which the same belonged; provided that if two thirds of the landholders within any township subject to such tax, shall, by

themselves or proper agents, file with the auditor of the proper county a remonstrance against applying the taxes in said township, as provided for in this act, the same shall not be applied for that purpose.

SEC. 7. It shall be the duty of the county auditors in computing [the portion of road tax] that may have accrued within the aforesaid limits, on each side of said road, to embrace the whole of any tract of land, not exceeding eighty acres, of which at least one half shall be within said limits, and for all duties performed by him, under this act, he shall be allowed the same fees allowed by law for similar services in other cases, to be audited by the county commissioners, and paid out of the county fund.

SEC. 8. The commissioners shall have power to receive donations of land to aid in the construction of said road, and to sell and convey the same in fee simple; and they may take releases of the right of way.

SEC. 9. The said commissioners and their successors shall be a corporation by the name and style of the Toledo and Woodville Free Turnpike Road for the purpose of carrying into effect the provisions of this act; and it shall be their duty to prosecute for all obstructions to said road, or for injuries done to the same, or the bridges thereon; and the form of such prosecutions shall be in the action of debt; and the amount recoverable in each case shall be the amount of damages actually found by the court or jury, with ten per centum thereon; and in all cases the said commissioners shall have a right to sue either before a justice of the peace, or in the court of common pleas of the proper county, which suits shall be appealable as in other cases; and the amount so collected in each case shall be for the benefit of said road, and shall be paid over to the treasurer.

SEC. 10. The board of commissioners, when organized, shall appoint a treasurer, who shall hold his office for the term of one year, who shall receive all the funds belonging to said road, and before he shall enter upon the discharge of his duties, he shall enter into bonds, to the board of commissioners, for the faithful disbursement of all the funds belonging to said road, in a sum not less than five thousand dollars, with at least two sufficient securities, to be approved by a majority of said commissioners; and said treasurer shall not pay out any part of the funds belonging to said road, except on the order of the board of commissioners, signed by the president; and he shall, annually, in the month of January, make a settlement with said board, and he shall also make an exhibit of the receipts and expenditures for the current year, and one copy of such report shall be deposited in the auditors' office of the counties through which said road may pass, within thirty days after said settlement.

SEC. 11. The supervisor of any road district through which said road may pass shall be and hereby is authorized to appropriate any portion of the two days labor within his district, which he may deem expedient, to the construction, preservation and repair of said road, and the same shall be applied under the direction of said commissioners or their agent or agents.

SEC. 12. The commissioners of said road shall be allowed their reasonable expenses, not exceeding seventy five cents per day, for every day necessary to be employed on the business of said road, and no more; and when any vacancy shall happen in said board, by death, resignation or otherwise, the commissioners of the county, in which such vacancy may

occur, on being notified thereof, shall fill the same as often as the same may occur.

SEC. 13. The expenses of surveying and location, and other expenses incidental to the construction, preservation, superintendence and repair of said road, shall be paid out of the funds appropriated by this act to the construction, preservation and repair of the same; and the sum paid to any person for services as treasurer, superintendent or surveyor on said road, shall not exceed one dollar per day for every day he shall actually be engaged on the business of said road.

SEC. 14. All claims for damages, arising out of the location of said road, shall be settled in the manner prescribed by the act for the opening and regulation of roads and highways, and all damages assessed for other injury to property shall be paid out of the county treasury, if, in the opinion of the county commissioners, the benefit resulting from the establishment of said road, will be equal to the amount of damages assessed.

SEC. 15. That for the purpose of crossing the Maumee river, the commissioners of said road shall have the exclusive right of establishing a ferry, and all boats propelled by steam, horse power or otherwise, to run from the point where said road shall strike said river, to such point in Toledo as said commissioners shall select, and no other ferry shall be established within one half mile, on either side of the termination of said road, after the commissioners shall have established said ferry, unless said commissioners shall refuse or neglect to keep in good repair a good and sufficient boat, for the safe conveyance of persons and property; and said commissioners are hereby authorized to demand and receive, from persons crossing said river, the following tolls:

For every sled or sleigh, and four wheeled carriage, drawn by two animals, twenty five cents; and each horse in addition, five cents;

For every four wheeled pleasure carriage, drawn by two horses, thirty seven and a half cents; and for each horse in addition, five cents;

For every two wheeled pleasure carriage, drawn by one horse, twenty five cents;

For every four wheeled pleasure carriage, drawn by one horse, twenty five cents.

For every one horse wagon, sled or sleigh, drawn by one horse, twelve and a half cents;

For each horse and rider, ten cents;

For each horse, mule or ass, or head of neat cattle, six months old and upwards, five cents;

For every head of sheep, goats or hogs, two cents;

For each foot passenger, ten cents; and all the profits arising from said ferry shall be paid over to the treasurer, monthly, or oftener if the board of commissioners shall require it, and the same shall be applied to the benefit of said road; provided this section shall not remain in force more than twenty years, and not more than ten years in case a majority of the legal voters within the corporate limits of the city of Toledo shall file their protest against the same, within sixty days after the term of ten years, with the clerk of the court of common pleas of Lucas county, and in that case, it shall be the duty of the clerk to notify the commissioners of said road of the same, provided, also, that the legislature may alter, amend or repeal this act.

SEC 16. The said commissioners shall have the power to borrow money for the purpose of constructing and keeping in repair said road, and to pledge the tolls on said ferry and other property belonging to said road for the payment thereof. This act shall take effect and be in force from and after the passage thereof. That nothing in this act shall be so construed as to prevent any of the citizens of Lucas county from keeping a skiff or other watercraft to enable them to cross the Maumee river for their own benefit.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 10, 1845.

AN ACT

To amend the act passed January 20th, 1838, entitled "An act to amend the act entitled an act to incorporate the town of Gallipolis, in the county of Gallia," passed February 17th, 1808, and the several acts amendatory to the same, and to alter the corporate limits of said town.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the corporate limits of the town of Gallipolis, in the county of Gallia, be and they are hereby so modified and changed as to include all the territory embraced by the original and recorded plat of said town, except the three western tiers of seven acre lots, that is to say, except so much as lies west of the eastern line of seven acre lots numbered from twenty one to forty one, inclusive, as numbered upon the recorded plat of said town, which line shall hereafter be the western boundary of said incorporation.

SEC. 2. That the town council of said town of Gallipolis shall have power to suppress and prohibit gaming houses, and houses of ill fame within the corporate limits of said town, and for that purpose may pass ordinances imposing pecuniary fines and penalties upon the owners or occupiers of such houses; and for the recovery of such fines and penalties against such owners (where they are not residents of said town) may provide for proceeding against them by leaving copies of process upon the premises, or by publication, and may also, by ordinance render the premises where any such gaming house or house of ill fame shall be kept liable for the satisfaction of the amount of any fines and penalties, and costs of prosecution in which the owner or owners thereof shall be condemned by virtue of the authority hereby conferred, and to collect the same by taking possession of and renting out such premises until such fines, penalties and costs shall be satisfied out of the rents thereof.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 6, 1845.

AN ACT

To incorporate the Ohio Iron Manufacturing Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That* William W. Mather, his associates, and their successors, be and they are hereby created a body corporate and politic, for thirty years, by the name of the Ohio Iron Manufacturing Company, and by that name shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, in all courts of this state and elsewhere, having competent jurisdiction, also to make and have a common seal, which they may break, alter or renew at pleasure; and shall be capable of purchasing, receiving, holding and enjoying, granting, selling and conveying any estate, real, personal or mixed, necessary for the objects of this incorporation, which are hereby declared to be the manufacture of iron from the ore, and, as subsidiary branches, in the discretion of the company, the manufacture of glass, pottery and firebricks, the making of salts, and sawing of marble.

SEC. 2. The capital stock of said company shall be three hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such manner, and at such time as the duly authorized agents of such company shall direct, and in conformity with the bylaws which the company shall make for its government, and each owner of said stock shall have power, at all times, to transfer and assign his stock in said company, or any part thereof, by assignment upon the books of said company, either by himself or his agent or attorney, authorized so to do; and said stock shall be deemed personal estate, and shall descend to the executors or administrators upon the demise of the holders thereof.

SEC. 3. The company may expend one hundred thousand dollars, or such part thereof as they may deem expedient, for the prosecution of their business, in the purchase of lands or real estate, and five per centum of the capital stock shall be paid in before the company shall commence its manufacturing operations.

SEC. 4. The stockholders of the company shall elect from their number five directors, and such other officers, and appoint such agents as may be necessary for the transaction of their business, and change them at pleasure; and the directors shall have power to elect one of their number a president, and may appoint such other subordinate officers as they may deem expedient, who shall hold their offices, respectively, at the pleasure of the board of directors.

SEC. 5. Each share of stock shall be entitled to one vote, up to one hundred shares, in the hands of one individual; if above one hundred, and under three hundred, one vote for every two shares; if above three hundred and under six hundred, one vote for every three shares; if above six hundred and under one thousand, one vote for every four shares; and if above one thousand shares, one vote for every five shares; and the shares are to be thus counted, whether the individual votes for himself or by proxy, as the authorized agent of the owner; and when a person shall vote, both for himself and as proxy, the aggregate number of shares that he represents is to count in the determination of his vote.

SEC. 6. The company shall commence its business within three years from the passage of this act, and shall within six years have erected one furnace, and the necessary works for smelting ores and manufacturing iron therefrom, in the county of Jackson, and may at any time erect additional furnaces in said county, and in the counties of Gallia, Lawrence, Scioto and Athens; and said company is hereby authorized and empowered to lay out and construct a railroad from any furnace which they may erect, in either of said counties, to the Ohio river, at the most convenient point, or to the Ohio canal, or the Hocking canal, or all of them, with lateral branches, to any or all of their works, and for this purpose the capital stock may be increased to any amount equal to the cost of such road or roads.

SEC. 7. If the owner or owners of any land over or across which any such railroad may be laid out, not exceeding sixty feet in width, shall be unwilling to consent to its construction for such compensation as the company may agree to pay, the court of common pleas, for the county wherein the land lies, shall, on application, appoint three disinterested men to view and appraise the damages to such premises, and file a statement of their award in the premises, in the office of the clerk of said court, and if either party shall be dissatisfied with such award, an appeal may be taken to the court of common pleas, for the proper county, within ten days after the filing of such award, as from the judgment of a justice of the peace, and the judgments of said court thereon, shall be final. Before the commencement of said work on any such premises, the company shall tender to the owner or owners of the land, or their legal representatives, the amount of such award, or of the judgment of the court, in case the award shall be appealed from, and from thenceforth the fee simple of the lands embraced within the lines of the survey of such road, not exceeding the width, aforesaid, shall be vested in said company; and said company shall have the right to use any such road or roads for the transportation of freight and passengers, and to charge and receive such uniform rates of compensation therefor as the directors may, from time to time, establish, and subject to the usual restrictions and regulations made by such companies on their roads.

SEC. 8. In all suits against said company process shall be served by leaving an attested copy with one of the directors, or if none of the directors can be found in the county, then by leaving such attested copy of the process at any office, or usual place of doing business of said company.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.

DAVID CHAMBERS,
Speaker of the Senate.

March 6, 1845.

AN ACT

To incorporate the Wooster, Harrisville and Cleveland Plank Road Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Cyrus Spink, William Armstrong and Jacob Ihrig, of Wayne county, Joseph Harris, Timothy Burr and Jonathan Fitts, of Medina county, Clement Stebbins, William Ingersoll, George Sibley, Bildad Belden, William Hurlbut, Thomas C. Bastard, George W. Whitney and John W. Weeden, of Lorain county, and James A. Briggs, L. M. Hubbey and A. D. Cutter, of Cleveland, Cuyahoga county, and all other persons who shall become associated with them, by subscribing to the capital stock of said company, be and the same are hereby constituted and declared to be a body corporate and politic, with perpetual succession, by the name and style of the Wooster, Harrisville and Cleveland Plank Road Company, for the purpose of constructing a plank road from the town of Wooster, Wayne county, by the way of Harrisville, in Medina county, Grafton and Columbia, Lorain county, to Cleveland or Ohio City, in Cuyahoga county, taking the most eligible route by said points; and, for such purposes, the said company is hereby authorized and empowered to have and receive, purchase, possess, enjoy and retain lands, rents, goods, chattels, and effects of any kind, to any amount necessary to carry into effect the objects of the corporation, and the same to use, sell, alien and dispose of at pleasure; to sue and be sued, defend and be defended, in all courts having competent jurisdiction; to have and use a common seal, the same to alter, break and renew at pleasure; to ordain and establish such rules, regulations and bylaws, as may be necessary for the well being of said corporation, subject, however, to the restrictions and limitations contained in this act.

SEC. 2. That the capital stock of said company shall consist of one hundred thousand dollars, to be divided into shares of twenty five dollars each, and shall be transferable, in entire shares, in such manner as the rules of the corporation shall prescribe; provided that no stockholder, without the consent of the directors, shall be at liberty to transfer his, her, or their stock, after any installment is ordered, until such stockholders shall have paid the amount due on his, her, or their stock.

SEC. 3. That the persons named in the first section of this act, or in case they should not all choose to serve, then any number of them, not less than three, shall be commissioners to receive subscriptions, to do and perform all necessary acts to organize the company; and they are hereby authorized and empowered to cause books to be opened at such times and in such places as a majority of those acting shall think proper to receive subscriptions to the capital stock of said company. The commissioners may, if they think proper, require ten per centum of the amount of each subscription to be paid at the time it is subscribed, and each subscriber shall be bound to pay, from time to time, such installments on his, her, or their stock, as the directors may lawfully require.

SEC. 4. That when three hundred shares shall be subscribed, the commissioners shall call a meeting of the stockholders, by causing notice of the time and place of such meeting to be published in some newspaper, in general circulation, in the places where the books shall have been opened and the stock subscribed, for thirty days next preceding such time of meeting;

and, on such notice being given, the stockholders shall meet at the time and place appointed, and select directors, and adopt such bylaws and regulations for the government of the corporation as shall be lawful and expedient, the stockholders to vote in person or by proxy, each share to be entitled to one vote.

SEC. 5. That the affairs of said company shall be managed by seven directors, or a majority of them, who shall be elected by the stockholders once in two years, unless a shorter period shall be ordained by the bylaws of the corporation, and they shall hold their offices until their successors shall be chosen and qualified; and each director shall be a stockholder at the time of his election, and shall cease to be a director when he ceases to be a stockholder; the directors shall have power to fill all vacancies in their own board which shall happen from death, or otherwise.

SEC. 6. That the directors, before entering upon the discharge of their duties, shall take an oath or affirmation, faithfully and impartially to discharge their duties, shall choose a president from among their number, shall appoint such other officers and agents as shall be provided for by the bylaws, determine upon any amount of any bonds that they may see fit to exact from any officers of the company, and pass upon their sufficiency, determine the amount of installments to be called for upon subscriptions, declare dividends, and take the general charge and supervision of the affairs of said company.

SEC. 7. That it shall be lawful for said directors to enter upon and take possession of any lands, roads, streets, alleys, stones, timber and earth, necessary for the laying out and construction of said plank road, and all necessary appurtenances and appendages, doing no unnecessary damage; and in all cases where the owner or owners, their agent or attorney, shall claim or demand damages for lands or materials so appropriated for the location, construction or repairs of said road, then, and in that case, the said company shall, in all respects, be governed by the provisions of the act entitled "an act to amend the act entitled an act for the regulation of turnpike companies," passed March eleventh, one thousand eight hundred and forty three; provided, further, that said company shall not take possession of more than sixty six feet in width for said road.

SEC. 8. That whenever said company shall have constructed the said plank road, by covering the same with plank not less than two inches and a half in thickness, and of sufficient width for the accommodation of teams, and shall have completed the same in a good and substantial manner, the same shall forever thereafter be and remain a public highway, free for the passage of animals, teams and travelers, of every description, on payment of such tolls as the board of directors may establish, from time to time, under the provisions of this act.

SEC. 9. That said company may, if they deem it advisable, build said road, either in part or whole, with coal or stone of sufficient depth, and after the usual manner of constructing roads with such materials.

SEC. 10. That on every five miles of said road, when so much shall be completed, according to the true intent and meaning of this act, the president and directors shall have power to erect tollgates, and ordain and establish a rate of tolls, which shall be paid upon all animals, teams, travelers, and property of every description, passing on said road; and, for the col-

lection of said tolls, they shall appoint collectors and erect gates, and may ask, demand, and receive the said tolls under this act; provided, however, that they shall in no case exceed the rates now charged on the Western Reserve and Maumee road, to be graduated by the board of directors.

SEC. 11. That whenever the whole, or five miles of said road shall be completed, the president and directors of said company may apply to the court of common pleas of any county through which said road may pass, whenever the same is in session, or to any judge thereof, in vacation, not interested in said road, whose duty it shall be to appoint three disinterested freeholders, commissioners, to examine said road, and if said commissioners shall be of opinion that said road is constructed according to the true intent and meaning of this act, they shall give to said president and directors a certificate thereof, which shall entitle said company to demand tolls under this act.

SEC. 12. The company shall be entitled to the benefit of all laws, for the protection of turnpike roads and the collection of tolls, which have been or may be passed by the legislature of this state, and shall be liable to all restrictions therein contained, not inconsistent with this act.

SEC. 13. That in case said road shall not be commenced within two years, and at least five continuous miles finished within five years from the passage of this act, all privileges granted by this act shall be null and void.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 10, 1845.

AN ACT

For the relief of School District, Number Ten, in Sugarcreek Township, Greene county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the Auditor of Greene county, be and he is hereby authorized and required to apportion to school district, number ten, in Sugarcreek township, in said county, out of the proper school funds subject to distribution, in said county, in addition to the sum such district may be entitled to at the time of making the next regular distribution, such sum of money as said district would have been entitled to for the year one thousand eight hundred and forty three if a return of the number of youth in said district, for said year, had been properly made; and in making the apportionment hereby authorized the auditor of said county shall take as a basis for such apportionment the return made by such district for the year one thousand eight hundred and forty two.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 10, 1845.

AN ACT

To lay out and establish a Free Turnpike Road from South Otsego, on the Maumee River, to the north line of the county of Hancock.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Morrison McMillan, John Dubbs, and Alvin Clark, of the county of Wood, be and they are hereby appointed commissioners to lay out and establish a free turnpike road, commencing at South Otsego, on the Maumee river, in said county of Wood; thence running south on the line of sections, one mile west of the line between ranges nine and ten, to the southwest corner of section one, in township three, north, range nine, east; thence southwesterly to a point on the north line of the county of Hancock, which shall be constructed, repaired and preserved in the manner pointed out in this act.

SEC. 2. That said commissioners shall have power to appoint superintendents, and such other agents as they may deem necessary to carry into effect the provisions of this act; a majority of said commissioners shall have power to transact any business, and exercise any powers devolving on them, or intrusted to them by this act; and they shall keep a record of their proceedings, which shall, at all times, be open to inspection by any person interested or desiring to inspect the same.

SEC. 3. That said commissioners shall meet on the first Monday in May, one thousand eight hundred and forty five, or within sixty days thereafter, and organize by choosing one of their number president of the board, and they shall then take measures to view, locate and establish said road, and of all such locations they shall file a copy with the auditor of the county.

SEC. 4. The commissioners shall have power to receive subscriptions and donations in money, or property, real or personal, which shall be applied to the construction of said road; they may make contracts for constructing the same, in a solid and durable manner, and for keeping the same in repair; they may open and finish said road, in the first instance, along such portions of the line thereof as will soonest render the whole line available for travel and transportation; and they shall have power to purchase and procure all necessary implements and fixtures to preserve said road in repair.

SEC. 5. The taxes levied on all real property for road purposes, within two miles of said road, on each side thereof, excepting the township of Washington, Wood county, where it shall be only one mile on each side, shall be applied to the construction and repair thereof; and all persons owing such, who may wish to discharge the same by labor, shall apply such labor under direction of said commissioners, or their agents appointed for that purpose; provided that nothing in this act shall be so construed as to interfere, in any manner, with tax upon property heretofore appropriated to the construction, preservation or repair of any free turnpike road heretofore authorized to be established by the general assembly, especially authorized for the Perrysburg, Findlay and Kenton road.

SEC. 6. That the commissioners of Wood county be and they are hereby authorized, if, in their opinion, the public interest requires it, to levy a tax at their June session, not exceeding four mills on the dollar of the valuation on all the real estate within one mile of the road, and a tax of

not exceeding two mills on the dollar of the valuation on all real estate on each side, between one and two miles of the road, as the same is or may be on the grand levy for state and county purposes; the sum, so levied as aforesaid, to be added to the duplicate, and collected in the same manner as state and county taxes are collected.

SEC. 7. So much of the taxes appropriated by this act as shall be paid into the county treasury shall be computed by the county auditor, and shall be expended on said road in the county where collected; provided that if three fourths of the landholders within any township subject to such tax, shall, by themselves or proper agents, present to the auditor of the proper county a remonstrance against applying the taxes in said township, as provided for in this act, the same shall not be applied for that purpose.

SEC. 8. It shall be the duty of the auditors of Wood and Hancock counties, in computing the amount that may have accrued within the aforesaid limits, on each side of said road, to embrace the whole of any tract of land not exceeding eighty acres, of which at least one half shall be within said limits; and for all duties performed by them under this act they shall be allowed the same fees as are allowed by law for similar services in other cases, to be audited by the county commissioners.

SEC. 9. The said commissioners and their successors shall be a corporation by the name and style of the Otsego and Blanchard Fork Free Turnpike Road, for the purpose of carrying into effect the provisions of this act; and it shall be their duty to prosecute for all obstructions of said road, or for injuries done to the same, or the bridges thereon; and the form of such prosecutions shall be in the action of debt, and the amount recoverable in each case shall be the amount of damages actually found by the court or jury, with ten per centum thereon; and in all such cases the said commissioners shall have a right to sue either before a justice of the peace, or in the court of common pleas of the proper county, which suits shall be appealable as in other cases, and the amounts collected in each case shall be for the benefit of said road, and shall be paid to said commissioners or their agents.

SEC. 10. That said commissioners shall annually, in the month of January, make a statement of their receipts and expenditures, under this act, and deposit a copy thereof in the auditor's office of the county of Wood.

SEC. 11. The supervisor of any road district through which said road may pass shall be and hereby is authorized to appropriate any portion of the road tax on personal property, and of the two days labor within his district, which he may deem expedient, to the construction, preservation and repair of said road, and the same shall be applied under the direction of said commissioners or their agents.

SEC. 12. The commissioners of said road shall be allowed their reasonable expenses, not exceeding seventy five cents per day, for every day necessary to be employed on the business of said road, and no more; and when any vacancy shall happen in said board, by death, resignation or otherwise, the commissioners of the county, in which such vacancy may occur, on being notified thereof, shall fill the same as often as the same may occur; and the said commissioners and their successors shall

each hold their offices for the term of two years, from the time of their appointment, and shall each give bond to the state of Ohio, for the use of the county commissioners, in such amount as shall be fixed by the county auditor of the county, with security to be approved by such county auditor, for the faithful discharge of the duties of their office, and the paying over and expending all the moneys that may come into their hands by virtue of their office; and shall severally take an oath to honestly and faithfully discharge the duties of their office.

SEC. 13. The expenses of surveying and locating, and other expenses incidental to the construction, preservation, superintendence and repair of said road, shall be paid out of the funds appropriated by this act to the construction, preservation and repair of the same.

SEC. 14. All claims for damages arising out of the location of said road, shall be settled in the manner prescribed by the act for opening and regulating roads and highways.

SEC. 15. This act shall take effect and be in force from and after the passage thereof.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate

March 10, 1845.

AN ACT

For the relief of Isaac Vail, late sheriff of Belmont county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of the county of Belmont be and they are hereby authorized to allow to Isaac Vail, late sheriff of said county, the amount of reasonable expenses and charges incurred by the said Vail, by reason of the escape of one Reddick McKee, out of the jail of said county and the custody of said Vail, as such sheriff, to be paid out of the treasury of such county, upon the order of the county auditor, provided the said commissioners shall be satisfied that such escape was by reason of the insufficiency of the jail of said county, and not by reason of the negligence of the said Vail.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 10, 1845.

AN ACT

To incorporate the Trustees of the Protestant University of the United States.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That William Wilson, Peter Gibson, Thomas Wilson, John McCormick, Joshua L. Wilson, James McLean, William Findlay, James Killough, Mark Atkins, Jacob Burnett, Washington McLean, John Cochran, S. Trevor, Nicholas Longworth, John McLean, James Johnson, Hugh McMillan, E. F. Drake, Samuel Wilson, Daniel McMillan, Andrew Herron, Robert Bryson, James P. Smart, James Galloway, Gavin McMillan, John Elliott, Jeremiah Morrow, John Graham and James McMillan, and such other persons as may be provided for by the bylaws of the university, and their successors in office, be and they are hereby constituted and declared to be a body corporate and politic, with perpetual succession, and with the usual powers and incidents of corporations, to be known by the name, style and title of the Trustees of the Protestant University of the United States.

SEC. 2. That the said university shall be located in or near to the city of Cincinnati, and its object and purpose are hereby declared to be the promotion and advancement of education, the cultivation and diffusion of literature, science and the arts, in all their departments and formalities.

SEC. 3. That the presiding officer of said university shall be designated by the name of chancellor.

SEC. 4. That the officers of the corporation of the university shall be a president, secretary and treasurer, who shall be elected at each annual meeting of the same.

SEC. 5. That said corporation shall not, at any time, consist of more than forty members, nor less than fifteen; of these, seven shall be a board for the transaction of all business, except the removal of the chancellor from office, which shall not be effected without the vote of at least two thirds of all the trustees of the university.

SEC. 6. That said corporation, by their corporate name, aforesaid, shall be competent to sue and be sued, plead and be impleaded, in all courts of law or equity; may have a common seal, and alter the same at pleasure; and may fill all vacancies in their own body occasioned by death, removal, resignation, neglect of attendance to the duties of a trustee for more than one year, or by any other cause, and may declare the seats of such vacant.

SEC. 7. That said corporation shall have power to appoint their own officers, as above designated, and such other officers and agents as they may deem necessary; to prescribe their duties, and to make, ordain and establish such bylaws, rules and regulations, for conducting the affairs of the corporation, as they may deem proper, provided that the same be not inconsistent or repugnant with the constitution and laws of the United States and of this state.

SEC. 8. That the said corporation, having perpetual succession, shall be capable in law of receiving, acquiring, holding, using, as they may deem best for the interest of the university, either by purchase, devise, gift, bequest or otherwise, property, real, personal or mixed, which shall be used exclusively for accomplishing the object and purpose of said university.

SEC. 9. That for the well ordaining and conducting the concerns of the university, said corporation shall have power to appoint a chancellor,

who shall hold his office during good behavior, and at the pleasure of the trustees, whose duty it shall be to preside over all the affairs of the institution; and said corporation shall appoint such professors and instructors as they may deem requisite for instruction and government, and prescribe rules and regulations for the same, and to make all contracts; to determine and pay the salaries of all the officers of the institution; to cause to be erected and repaired all the buildings that may be requisite; to procure all necessary furniture and apparatus; to regulate the admission and government of the students, and to take all proper means for the founding and support of said university; and, further, they shall have power to dispose of any and all funds belonging to said university, for its own use, and no other purpose, provided that when any property has been given to said university, the said corporation shall dispose of and use said property for the sole purpose or purposes pointed out by the donor or donors; provided, also, that in the rules and regulations regulating the admission of students, there shall be no preference on account of religious sects, or any other cause, except good moral character, and the promise of superior scholarship and usefulness.

SEC. 10. That the chancellor of the university shall be, ex-officio, a trustee, but no professor, tutor, or other officer of the same shall be a member of said corporation.

SEC. 11. That said corporation shall have no power, at any time, to establish a sectarian, religious test, as a condition of enjoying the honors and privileges of the university, provided that it shall always be conducted in subserviency to the true reformed protestant Christian religion, as taught in the holy scriptures of the Old and New Testament.

SEC. 12. That said university shall have power to confer all such degrees and honors as are conferred by the colleges or universities of the United States, provided that the right of conferring said degrees shall not be exercised until said corporation shall have acquired property, either real or personal, to the amount of fifteen thousand dollars, to be ascertained by three disinterested freeholders of the county of Hamilton, to be appointed by the auditor of said county, who shall appraise the same and make report thereof to the said auditor, by whom the same shall be filed and preserved.

SEC. 13. That the annual income of the said university shall never exceed the sum of twenty thousand dollars.

SEC. 14. That said university shall make an annual report to the legislature.

SEC. 15. That if any officer of said corporation shall abuse the power or trust conferred upon him by the provisions of this act, whereby damages shall be sustained by the university, he shall be liable to said corporation for such damages, to be recovered by action or suit in any court having jurisdiction of the same, brought in the name of the proper authorities of said university.

SEC. 16. That the legislature may, at any time, alter, amend or repeal this act, provided that the property or funds of the corporation shall not be diverted thereby to any purpose [other] than that intended by the deviser, donor, or donors.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 10, 1845.

AN ACT

To amend an act entitled "An act to incorporate and establish the city of Dayton," passed March 27, 1841.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the city council of the city of Dayton, shall have full and exclusive jurisdiction over all the streets, lanes, alleys, roads and highways, within said city. And the office of township supervisor, within and for the township of Dayton, be and the same is hereby abolished, and the trustees of the said township shall no longer have any jurisdiction over the roads and highways within said city.

SEC. 2. That said city council shall appoint or provide for the election of a street commissioner, and such supervisor or supervisors of roads and highways, in said city, as said council shall deem necessary, and said city council shall, by ordinance, prescribe the duties of said street commissioner and supervisors; the recorder of said city shall perform all the duties of township clerk, as far as it relates to his duties in relation to roads, road tax and highways within said city. Said city council shall have all the authority over roads and highways, within said city, as the trustees of townships now have by law. And all labor shall be performed, and road tax worked out in such manner as said city council shall prescribe by ordinance.

SEC. 3. That said city council shall have the power to license and regulate all auctioneers, draymen, cartmen and hackmen, within said city, provided the amount received for auction license be paid into the county treasury of Montgomery county, for the use of the state, as is now provided for by law.

SEC. 4. That said city council shall have exclusive and full power and authority to license tavern keepers within said city, and to regulate the same by ordinance; and said city council shall have full power and authority to prohibit the sale of ardent spirits, vinous and fermented liquors by a less quantity than one quart, or to be drank at the place where sold, within said city, other than at licensed taverns.

SEC. 5. That said city council shall have power to compel the proprietors of lots, in said city, to curb and gravel or pave with stone, the sidewalks in front of the same, as the said council may direct; and whenever the said city council shall receive a written notification, signed by the proprietors of more than one half of the ground fronting upon any street or alley along any block or square in said city, setting forth their willingness to curb, grade and pave the gutters in front of such block or square, or to grade and pave the alley in the rear of such block or square, the said city council may order and direct the gutter or gutters, as aforesaid, to be curbed, graded and paved, and the alley or alleys in the rear of said block or square, to be graded and paved under the same restrictions and regulations as are provided for in the nineteenth and twenty first sections of the act to which this is an amendment.

SEC. 6. That the treasurer of Montgomery county shall be entitled to retain, as his fees for the collection of tax for said city, two per centum on the net amount by him actually collected.

Sec. 7. That said city council shall have power, from time to time, to make and publish all such laws and ordinances as to them shall seem necessary, to provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of said city and the inhabitants thereof; and to impose fines, forfeitures and penalties on all persons offending against the laws and ordinances of said city, an to provide for the prosecution, recovery and collection thereof.

Sec. 8. That all acts and parts of acts inconsistent herewith, be and the same are hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 10, 1845.

AN ACT

To incorporate the First Presbyterian Church of Warren, Trumbull county.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Edward Spear, Joseph Perkins, J. Morgan Woodson, and their associates and successors, be and they are hereby created a body corporate and politic, by the name and style of the First Presbyterian Church of Warren, Trumbull county, and, by that name, shall be entitled to all the rights, privileges and immunities granted by, and shall be subject to all the restrictions of an act entitled "an act in relation to incorporated religious societies," passed March fifth, one thousand eight hundred and thirty six, and of an act entitled "an act securing to religious societies a perpetuity of title to lands and tenements, conveyed in trust for meeting houses, burying grounds, and residences for preachers," passed January third, one thousand eight hundred and twenty five, and "an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally," passed March seventh, one thousand eight hundred and forty two, and with full power and authority to sell and convey any real estate now belonging, or that may belong to said religious society, for the benefit of said church.

Sec. 2. That said corporators, or a majority of them, shall give at least ten days' notice, by advertisement, posted up on the door of said church, of their first meeting under this act.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 10, 1845.

AN ACT

To incorporate the Chesterville Hook and Ladder Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That* John McCreary, William Thur, Davis Mills, Abraham King, and their associates and their successors, are hereby created a body politic and corporate, under the name and style of the Chesterville Hook and Ladder Company, with succession for fifty years, and, as such, shall be competent to sue and be sued in all courts in this state, to contract and be contracted with; and they shall have power to acquire and hold property, real, personal or mixed, to the value of not more than three thousand dollars, and the same to convey at pleasure.

SEC. 2. That said company may have a common seal, and the same to alter or amend at pleasure, and shall have power to make and enforce such bylaws not inconsistent with the constitution of the United States or of this state, as they may deem proper and necessary, for the organization and good government of its members, and management of their corporate affairs.

SEC. 3. That the members of said company, while belonging to the same, shall be exempt from military duty in time of peace, and every member of said company, who shall have served for the term of five years, shall thereafter be exempt from performing military duty in time of peace.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 10, 1845.

AN ACT

To amend the act entitled "An act to incorporate the town of Perrysburg," passed February 19th, 1833, and the several acts amendatory thereto.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That* the corporate limits of the town of Perrysburg be and they are hereby extended so as to include all that part of river tract number sixty seven, which lies north of Indiana Avenue, as laid off by the state of Ohio, into outlots, in the year one thousand eight hundred and twenty five.

SEC. 2. That all acts, inconsistent with the provisions of this act, be and the same are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 10, 1845.

AN ACT

To authorize the Trustees of the Creditors and Stockholders of the Bank of Geauga to distribute its judgments and choses in action, and to authorize the distributees to use the name of the trustees to collect the same.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of the creditors and stockholders of the Bank of Geauga, are hereby authorized and empowered to distribute among the stockholders of said bank, the judgments, promissory notes, and other choses in action belonging to said bank, in the same manner, and subject to the same restrictions that, by the fourteenth section of the act entitled an act instituting proceedings against corporations not possessing banking powers, and the visitatorial powers of courts, and to provide for the regulation of corporations generally, passed March seventh, one thousand eight hundred and forty two, they are authorized to distribute the money and all other property of said bank, and that all such judgments, promissory notes, and other choses in action may be sued upon and collected by legal process in the corporate name of said trustees, for the use of the several stockholders and their assigns, to whom, respectively, such demands may be distributed in the same manner as such trustees could sue upon and collect the same if they had not been distributed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 10, 1845.

AN ACT

To authorize the sale of the northeast quarter of Section Sixteen, in township four, and range five, in Monroe county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the northeast quarter of section sixteen, in township four, and range five, in Monroe county, be and the same is hereby authorized to be sold according to the provisions of the act entitled "an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases there-to," passed February second, one thousand eight hundred and forty three.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 10, 1845.

AN ACT

To revive and amend an act entitled "An act to lay out and establish a State Road in the counties of Monroe and Washington."

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That* the act of the general assembly, passed March tenth, one thousand eight hundred and forty three, entitled "an act to establish a state road in the counties of Monroe and Washington," be and the same is hereby revived and in full force.

SEC. 2. That the commissioners named in said act, together with J. Patterson Mason, surveyor, may proceed, at any time previous to the first Monday in November next, to lay out and establish the state road in said act mentioned.

SEC. 3. That if all or either of said commissioners, or said J. Patterson Mason, surveyor, should die, remove, or refuse to act, the county commissioners of the county in which any vacancy has occurred, or may occur, shall have power to fill the same so as to insure the fulfillment of the objects of this act, which shall be in force from and after its passage.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 10, 1845.

AN ACT

To amend the act entitled "An act to authorize the sale of the northeast quarter of section eight, in township three, of range twelve, in Meigs county," passed March 5, 1844.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That* the trustees named in the second section of the act, to which this is an amendment, be and they are hereby authorized, in case of a tie vote at any former election, and as often as the same may hereafter occur, to call special elections for the purpose of carrying into effect the provisions of the act to which this is an amendment, and said elections shall be conducted according to the second and third sections of the act entitled an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto, passed February second, one thousand eight hundred and forty three.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 10, 1845.

AN ACT

To incorporate the Black River and Sullivan Plank Road Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That Daniel T. Baldwin, H. N. Gates, H. K. Kendall, Seymour W. Baldwin, N. B. Gates, Erastus Hall, Artemas Beebe, Ebenezer Griffeth, Henry Hubbard, Calvin Wilcox, James K. Pelton, Joseph Robbins, Mathew De Wolf, D. J. Johns, Harvey Grant, Spencer Clark, Alexander Porter, Rhesa Close, and W. F. Church, of Lorain county, and all other persons who shall become associated with them; by subscribing to the capital of said company, be and the same are hereby constituted and declared to be a body corporate and politic, with perpetual succession, by the name and style of the Black River and Sullivan Plank Road Company, for the purpose of constructing a plank road from the mouth of Black River, in Lorain county, by the way of Elyria, Lagrange and Sullivan, in Lorain county, to Rowsburg, in Wayne county, taking the most eligible route by said points, and for such purposes, the said company is hereby authorized and empowered to have and receive, purchase, possess, enjoy and retain lands, rents, goods, chattels, and effects of any kind, to any amount necessary to carry into effect the objects of the corporation, and the same to use, sell, alien and dispose of at pleasure; to sue and be sued, defend and be defended, in all courts having competent jurisdiction; to have and use a common seal, the same to alter, break and renew at pleasure; to ordain and establish such rules, regulations and bylaws, as may be necessary for the well being of said corporation, subject, however, to the restrictions and limitations contained in this act.*

SEC. 2. That the capital stock of said company shall consist of one hundred thousand dollars, to be divided into shares of twenty five dollars each, and shall be transferable, in entire shares, in such manner as the rules of the corporation shall prescribe; provided that no stockholder, without the consent of the directors, shall be at liberty to transfer his, her, or their stock, after any installment is ordered, until such stockholders shall have paid the amount due on his, her, or their stock.

SEC. 3. That the persons named in the first section of this act, or in case they should not all choose to serve, then any number of them, not less than three, shall be commissioners to receive subscriptions, to do and perform all necessary acts to organize the company; and they are hereby authorized and empowered to cause books to be opened at such times and in such places as a majority of those acting shall think proper to receive subscriptions to the capital stock of said company. The commissioners may, if they think proper, require ten per centum of the amount of each subscription to be paid at the time it is subscribed, and each subscriber shall be bound to pay, from time to time, such installments on his, her, or their stock, as the directors may lawfully require.

SEC. 4. That when three hundred shares shall be subscribed, the commissioners shall call a meeting of the stockholders, by causing notice of the time and place of such meeting to be published in some newspaper, in general circulation, in the places where the books shall have been opened and

the stock subscribed, for thirty days next preceding such time of meeting; and, on such notice being given, the stockholders shall meet at the time and place appointed, and select directors, and adopt such bylaws and regulations for the government of the corporation as shall be lawful and expedient, the stockholders to vote in person or by proxy, each share to be entitled to one vote.

SEC. 5. That the affairs of said company shall be managed by seven directors, or a majority of them, who shall be elected by the stockholders once in two years, unless a shorter period shall be ordained by the bylaws of the corporation, and they shall hold their offices until their successors shall be chosen and qualified; and each director shall be a stockholder at the time of his election, and shall cease to be a director when he ceases to be a stockholder; the directors shall have power to fill all vacancies in their own board which shall happen from death, or otherwise.

SEC. 6. That the directors, before entering upon the discharge of their duties, shall take an oath or affirmation, faithfully and impartially to discharge their duties, shall choose a president from among their number, shall appoint such other officers and agents as shall be provided for by the bylaws, determine upon any amount of any bonds that they may see fit to exact from any officers of the company, and pass upon their sufficiency, determine the amount of installments to be called for upon subscriptions, declare dividends, and take the general charge and supervision of the affairs of said company.

SEC. 7. That it shall be lawful for said directors to enter upon and take possession of any lands, roads, streets, alleys, stones, timber and earth, necessary for the laying out and construction of said plank road, and all necessary appurtenances and appendages; doing no unnecessary damage; and in all cases where the owner or owners, their agent or attorney, shall claim or demand damages for lands or materials so appropriated for the location, construction or repair of said road, then, and in that case, the said company shall, in all respects, be governed by the provisions of the act entitled "an act for the regulation of turnpike companies," passed March eleventh, one thousand eight hundred and forty three; provided, further, that said company shall not take possession of more than sixty feet in width for said road.

SEC. 8. That whenever said company shall have constructed the said plank road, by covering the same with plank not less than two inches and a half in thickness, and of sufficient width for the accommodation of teams, and shall have completed the same in a good and substantial manner, the same shall forever thereafter be and remain a public highway, free for the passage of animals, teams and travelers, of every description, on payment of such tolls as the board of directors may establish, from time to time, under the provisions of this act.

SEC. 9. Said company may, if they deem it advisable, construct said road, or any portion thereof, with coal or stone of sufficient depth, to make a good and substantial road after the usual method of constructing roads with such materials.

SEC. 10. That on every five miles of said road, when so much shall be completed, according to the true intent and meaning of this act, the president and directors shall have power to erect tollgates, and ordain and es-

tablish a rate of tolls, which shall be paid upon all animals, teams, travelers, and property of every description, passing on said road; and, for the collection of said tolls, they shall appoint collectors and erect gates, and may ask, demand, and receive the said tolls under this act; provided, however, that they shall in no case exceed the rates now charged on the Western Reserve and Maumee road, to be graduated by the board of directors.

SEC. 11. That whenever the whole, or five continuous miles of said road shall be completed, the president and directors of said company may apply to the court of common pleas of any county through which said road may pass, whenever the same is in session, or to any judge thereof, in vacation, not interested in said road, whose duty it shall be to appoint three disinterested freeholders, commissioners, to examine said road, and if said commissioners shall be of opinion that said road is constructed according to the true intent and meaning of this act, they shall give to said president and directors a certificate thereof, which shall entitle said company to demand tolls under this act.

SEC. 12. The company shall be entitled to the benefit of all laws, for the protection of turnpike roads and the collection of tolls, which have been or may be passed by the legislature of this state, and shall be liable to all restrictions therein contained, not inconsistent with this act.

SEC. 13. That in case said road shall not be commenced within two years, and at least five continuous miles finished within five years from the passage of this act, all privileges granted by this act shall be null and void.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS.

Speaker of the Senate.

March 10, 1845.

AN ACT

To lay out and establish a Free Turnpike Road in the counties of Fayette and Madison.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Thomas Lucas and Alexander Douglass, of the county of Fayette, and Robert Porter, of the county of Madison, be and they are hereby appointed commissioners, and Jacob Creamer, of Fayette county, surveyor, to lay out and establish a free turnpike road, beginning at Jeffersonville, in the county of Fayette, thence with the old Springfield road, as near as practicable, to the southerly corner of surveys, numbers twelve hundred and fifty, and twelve hundred and sixty two; thence northerly upon the dividing line of the old surveys, to the old Federal road, in Madison county, which shall be constructed, repaired and preserved in the manner pointed out in this act.

SEC. 2. That the said commissioners shall have power to appoint a superintendent or superintendents, and such other agents as they may deem

necessary to carry into effect the provisions of this act; a majority of said commissioners shall be a quorum, having power to transact any business, and exercise any powers devolving upon or intrusted to them by this act; and they shall keep a record of their proceedings, which shall at all times be open to inspection by any person interested, desiring to inspect the same.

SEC. 3. The commissioners shall have power to receive subscriptions and donations in money, or property, real or personal, which shall be applied to the construction of said road; they may make contracts for constructing the same in a solid and durable manner, and keeping the same in repair; they may open and finish said road in the first instance along such portions of the line thereof as will soonest render the whole line thereof available for travel and transportation; and they shall have power to purchase and procure all the necessary implements and fixtures to preserve said road in repair.

SEC. 4. That said commissioners shall meet on the first Monday of July next, or within thirty days thereafter, and organize by choosing one of their number president of said board, and one other secretary; they shall then take measures to view, locate and establish said road, and of all such locations they shall file a copy with the auditor of each of the counties through which said road may pass.

SEC. 5. The taxes levied for road purposes on all property within two miles of said road, on each side thereof, shall be applied to the construction and repair thereof; and all persons owing such taxes, who may wish to discharge the same by labor, shall apply such labor under the direction of said commissioners, or their agents appointed for that purpose.

SEC. 6. So much of the taxes appropriated by this act, as shall be paid into the county treasury, shall be computed by the county auditor, and paid over on the certificate of the officers of said board, certifying that labor to the amount thereof has been performed on said road; and all taxes so computed shall be expended on said road by said commissioners.

SEC. 7. It shall be the duty of the respective county auditors, in computing the portion of road tax that may have accrued within the aforesaid limits, on each side of said road, to embrace the whole of any tract of land not exceeding eighty acres, of which at least one half shall be within said limits; and for all duties performed by them under this act they shall be allowed the same fees allowed by law for similar services in other cases, to be audited by the county commissioners, and paid out of the county fund.

SEC. 8. The commissioners shall have power to receive donations of land to aid in the construction of said road, and to sell and convey the same in fee simple; they may take releases of the right of way, and they shall expend the money in their hands only on such parts of the road as shall have been permanently located and established.

SEC. 9. The said commissioners and their successors shall be a corporation by the name and style of the Moorfield Free Turnpike Road, for the purpose of carrying into effect the provisions of this act; and it shall be their duty to prosecute for all obstructions to said road, or for injuries done to the same, or the bridges thereon, and the form of such prosecution shall be in the action of debt, and the amount recoverable in each case

shall be the amount of damages actually found by the court or jury, with ten per centum thereon; and in all cases the said commissioners shall have a right to sue, either before a justice of the peace, where the damages demanded are under one hundred dollars, or in the court of common pleas of the proper county, where the damages are over one hundred dollars, which suits shall be appealable as in other cases, and the amount so collected in each case shall be for the benefit of said road, and shall be paid over as provided in section six.

SEC. 10. That said commissioners shall, annually, in the month of January, make a full settlement of their receipts and expenditures, under this act, and deposit a copy thereof in the auditor's office of each county, through which said road may pass.

SEC. 11. The supervisor of any road district through which said road may pass shall be and hereby is authorized to appropriate any portion of the two days labor within his district, which he may deem expedient, to the construction, preservation and repair of said road, and the same shall be applied under the direction of said trustees, or their agent or agents.

SEC. 12. The commissioners of said road shall be allowed their reasonable expenses when engaged in the business of said road, and no more; and when any vacancy shall happen in said board, by death, resignation, or otherwise, the commissioners of the county, on being notified thereof, shall fill the same as often as it may occur.

SEC. 13. The expenses of surveying and location, and other expenses incidental to the construction, preservation, superintendence and repair of said road, shall be paid out of the funds appropriated by this act to the construction, preservation and repair of the same.

SEC. 14. All claims for damages arising out of the location of said road, shall be settled in the manner prescribed by the act for opening and regulating roads and highways, and all damages assessed for injury to property, shall be paid out of the county treasury, if, in the opinion of the county commissioners, the benefit resulting from the establishment of said road will be equal to the amount of damages assessed.

SEC. 15. That nothing in this act shall be so construed as to allow the commissioners, named in this act, more than one dollar per day while actually employed in laying out or improving said road, nor more than seventy five cents to any agent in their service.

SEC. 16. This act to take effect and be in force from and after its passage.

JOHN M. GALLAGHER.

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 10, 1845.

AN ACT

To incorporate the Washington, Jeffersonville and Charleston Turnpike Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That* Richard Douglas, of Ross county, and Membrane Blue, Alexander Douglas and Jacob Creamer, of Fayette county, David Harrold, of Madison county, and John Heiskell, Robert Houston and David Armstrong, of Clark county, and their associates, be and they are hereby created a body corporate, under the name of the Washington, Jeffersonville and Charleston Turnpike Company, for the purpose of constructing a turnpike road from Washington, Fayette county, by the most convenient and eligible route, through Jeffersonville, in Fayette county, to Charleston, in Clark county.

SEC. 2. The capital stock of said company may be seventy five thousand dollars, divided into shares of twenty five dollars each.

SEC. 3. Said company shall have all the rights, privileges and powers, and be subject to the restrictions defined in the act to provide for the regulation of turnpike companies, passed January seventh, one thousand eight hundred and seventeen, and the several acts amendatory thereto, except in so far as the same may be modified or changed by the special provisions of this act.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 10, 1845.

AN ACT

To amend an act entitled "An act to incorporate the city of Toledo," passed January 7, 1837.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That no real estate shall be listed for taxation or taxed by the corporation of the city of Toledo, except such as now is, or hereafter shall be laid out into town or city lots, or lots not exceeding in quantity six acres.

SEC. 2. That so much of the act to which this is an amendment as is inconsistent with the provisions of this act be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 10, 1845.

AN ACT

To amend the act entitled "An act to incorporate the town of Germantown, in the county of Montgomery."

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That from and after the taking effect of this act it shall not be lawful for the marshal of the town of Germantown, in the county of Montgomery, to sell lands delinquent for the nonpayment of taxes assessed by the town council of said town, but he shall make return of such delinquences to the auditor of the county of Montgomery, who shall enter the same in the list of lands delinquent for the nonpayment of taxes in his office, and the same proceedings shall be had thereon to enforce the collection of such corporation taxes, by sale of the lands and lots or otherwise, as are had in reference to lands delinquent for state or county taxes, and at the same times and places.

SEC. 2. The funds derived from such corporation delinquent list shall be, by the treasurer of said county of Montgomery, paid over to the treasurer of said corporation of Germantown, on his demand, at any time after the collection of the same.

SEC. 3. That so much of the act, to which this is an amendment, as is inconsistent with the provisions of this act, be and the same is hereby repealed.

SEC. 4. That this act take effect and be in force from and after the first day of April next.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 10, 1845.

AN ACT

To amend the charter of the Miami Bridge Company, passed February 20th, 1816.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That so much of the charter of the Great Miami Bridge Company, passed twentieth day of February, one thousand eight hundred and sixteen, as exempts stages and vehicles, carrying the United States mail, from the payment of tolls, is hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 10, 1845.

AN ACT

To authorize the Corporation of the Town of Portsmouth, in Scioto county, to grant Licenses.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the corporate authorities of the town of Portsmouth, in the county of Scioto, be and they are hereby authorized, and shall have exclusive authority, whenever they shall deem it expedient, to grant licenses, for any term not exceeding one year, to grocers or retailers of spirituous liquors, porter, beer, cider or ale, in less quantities than one quart, and to license and regulate all houses of entertainment, other than taverns, within the limits of said corporation; and they are hereby authorized to make such ordinances and pass such bylaws, consistent with the constitution of the United States and of this state, as they shall deem proper for regulating and controlling the same, and to impose any fine, not exceeding fifty dollars, on any person who shall retail spirituous liquors, or keep any such house within said corporation without license, provided that the tax for such license shall in no case be less than fifty, nor more than one hundred dollars; provided, also, that said license shall be granted to none but persons of good moral character.

SEC. 2. That the applicant for a license, under the provisions of this act, shall file a petition with the recorder, of the president and common council of the town of Portsmouth, or with such other officers as may be authorized by said council, describing the place where it is intended to keep such retail establishment, by number of lot, or other pertinent description; accompanying said petition shall be a certificate, signed by a majority of the householders residing on the block or square where said applicant intends to keep said retail establishment, specifying that said applicant is of good moral character, well qualified to keep such retail establishment, and that the interest, convenience and good morals of community require that such license should be granted.

SEC. 3. That no ordinance, rule or order of the president and common council of the town of Portsmouth, shall operate to exempt any person from any fine or penalty that now is, or that may hereafter be fixed by the laws of this state, or by the ordinances of said president and common council, until they shall have complied with the provisions of this act, and paid into the treasury of the town of Portsmouth the sum that may be assessed upon them by the president and common council of said town, and obtained a license from the mayor. That this act shall take effect from and after its passage.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 10, 1845.

AN ACT

For the relief of the township of Hocking, in the county of Fairfield.

Whereas, it appears to this general assembly that, by means of the failure of the clerk of Hocking township, in the county of Fairfield, to report within the time prescribed by law, to the auditor of said county, an abstract of the enumeration of the white youths between the ages of four and twenty years, within the several school districts, of said township, the proportion belonging to said township, of the common school fund, arising out of the interest of the surplus revenue, the interest of the proceeds of the salt lands, the revenue from banks, insurance and bridge companies, as is provided by the act of March 7, 1838, has been lost to said township, in the last annual apportionment, made by the auditor of state, to the several counties of the state, for the year one thousand eight hundred and forty four. And it further appears, that the number of youths between the ages aforesaid, having a right to attend the common schools in said township, is fifteen hundred and ninety six; therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be the duty of the auditor of state, at his next annual apportionment of said fund to the several counties of the state, to add to the proportion of said county of Fairfield, a sum equal to the last year's proportion of said township of Hocking, to wit: the proportion of fifteen hundred and ninety six youths, of which said Hocking township was deprived by the failure and default of said clerk, as aforesaid; and it shall be the duty of the auditor of said Fairfield county to apportion the said additional sum to the said township of Hocking, and to make all proper entries in his books, and do all proper acts to secure the payment of said sum to the proper authorities of said township of Hocking, to be apportioned amongst the several school districts thereof.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 10, 1845.

AN ACT

To incorporate the Columbus and Dublin Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Zenas Hutchison, Samuel S. Davis, Arthur O'Harra, James Walcott, and Samuel Medary, and their associates, be and they are hereby created a body corporate, under the name of the Columbus and Dublin Turnpike Road Company, for the purpose of constructing a turnpike road from near Franklinton or Columbus, to near Dublin, in the county of Franklin, to be built on or near the state road running on the east bank of the Scioto river, between those points, as said company may deem most practicable,

which company shall have all the rights, privileges and powers, and be subject to all the restrictions defined in the act to provide for the regulation of turnpike companies, passed January seventh, one thousand eight hundred and seventeen, and the several acts amendatory thereto, except in so far as the same may be modified or changed by the provisions of this act.

SEC. 2. The capital stock of said company may be twenty five thousand dollars, divided into shares of twenty five dollars each.

SEC. 3. The above named commissioners shall meet at the town of Columbus at such time as they shall think proper and proceed to organize the said company, and to take order for the opening of books for the subscription of stock, agreeably to the second section of the said act, above referred to, to provide for the regulation of turnpike companies.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 10, 1845.

AN ACT

To amend an act entitled "An act to improve Fisheries on Sandusky River, within the counties of Seneca and Sandusky," passed March 10, 1843.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the words "dam or dams," where they last occur, in the first section of the act to which this is an amendment, shall be construed and taken to mean slope or slopes.

SEC. 2. That if any owner of any dam, mentioned in the act to which this is an amendment, shall suffer or permit any trap, or other obstruction, to remain in the slope, as is mentioned in said act, to the hindrance of the free passage of fish, he shall be taken and deemed to have violated the provisions of said act.

SEC. 3. That it shall hereafter be the duty of the prosecuting attorney of the county of Seneca and Sandusky, to prosecute, in their respective counties, any violations of this act, or the act to which it is an amendment, after having notice of such violation, by the affidavit of a legal voter of the county in which said dam is situated; and if any prosecuting attorney shall neglect or refuse to discharge his duties, under this act, for a longer time than six months after having received the required notice, he shall forfeit and pay for every such neglect or refusal not more than twenty, nor less than five dollars, for the use of the common schools of said county, to be recovered by an action of debt, in the name of the state of Ohio, before any justice of the peace having jurisdiction of the case.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 10, 1845.

AN ACT

To amend an act entitled "Act to incorporate and establish the city of Cincinnati, and for revising all laws and parts of laws, heretofore enacted on that subject," passed March 1, 1834, and also, to amend all subsequent acts that may conflict with this act.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of the city of Cincinnati shall have the custody, care, superintendence, management and control, of all the real and personal estate, and other corporate property belonging to said city, and of all the real and personal estate, money, funds, and revenues, which from time to time may be owned by, or, of right, belong to said city, with full power to purchase, hold, possess, occupy, sell, and convey the same for the use and benefit of said city and the inhabitants thereof, provided that the said city council shall not have power to sell, lease, or let, or otherwise alienate for a longer period than one year, any public landing, wharf, dock, basin, or any interest therein, or any other real estate of a value exceeding ten thousand dollars, which is now owned by, or hereafter, may become the property of said city, and which may be used and kept for the accommodation and convenience of the merchants, and others engaged in the trade, commerce and navigation of said city, unless the qualified voters thereof, in pursuance of twenty days previous notice, by order of the council, published in two or more of the newspapers in general circulation, in said city, setting forth the time, place and purpose of voting, shall, by a majority of written or printed ballots given, express their consent thereto; provided that such voting shall be on the first Monday in April, and the second Tuesday of October, nor shall the said city council issue or cause to be issued, any written or printed notes or tickets, as a circulating medium of trade or exchange, or in any way or manner, either directly or indirectly, engage in the business of banking.

SEC. 2. That the city council, before entering into any contract for work to be done for said city, the estimated cost of which shall exceed fifty dollars, shall cause at least ten days notice to be given in some newspaper of general circulation in said city, that proposals will be received by said council, for performing the work specified in said notice, and the council shall contract with the lowest bidder, if he may, in the opinion of a majority of all the members of said council, be depended on to do the work, with ability, promptness and fidelity, and if such be not their opinion, said council may give such contract to the next lowest bidder, advertise again, or decline to contract; and said council, on entering into any such contract, shall require bond and security for the faithful performance of the work, but no member of council shall be such security; provided, nevertheless, that in case of emergency, said council may, by a vote of two thirds of all the members, enter into such contract without advertising.

SEC. 3. The said city council shall have the exclusive power, within the city, of licensing hawkers and peddlers, and may grant or refuse them license, and impose penalties for selling without license; and said council shall have power to suppress bowling saloons, known by the name of nine pin or ten pin alleys, within the city of Cincinnati.

SEC. 4. That the watchmen and officers of the watch, city engineer,

city surveyor, city collectors, engineer of the waterworks, collector or collectors of waterrents, salt and flour inspectors, inspectors of oil, inspector of auctions, or commissioner of auction fund, and inspectors of domestic spirits, shall be appointed by the city council, and be subject to removal from office by the vote of a majority of all the members thereof, and the said watchmen, and officers of the watch shall be, ex-officio, police officers for the enforcement of the city ordinances, and shall have the same power in criminal matters within the city, that constables have by the laws of the state.

SEC. 5. That the city council shall have power by ordinance to confer on the mayor, and on such other persons as said council may appoint, all necessary power and authority to suppress riots, mobs, or other disturbances of the peace, and the city marshal shall have same power and authority to appoint deputies, and to take bonds for the faithful discharge of their duty, as the sheriff of the county has by law to appoint, and take bonds of his deputies.

SEC. 6. That the said city shall be divided into wards, as the boundaries thereof are now established, until such boundaries may be altered, or the number of wards may be increased by the city council, who are hereby authorized and empowered to make alterations in the boundaries of, or to establish additional wards, as the public convenience may require.

SEC. 7. That the said city council shall have power, when the public interests shall require it, to erect a city prison, and to regulate the police or internal government of the same; and said city prison may contain such apartments as may be necessary for the safe keeping, accommodation and employment of such persons as may be confined therein.

SEC. 8. That the seventh section of the act to which this is an amendment, passed March first, one thousand eight hundred and thirty four, and the fourth, fifth, eighth and thirteenth sections of the act, passed March nineteenth, one thousand eight hundred and forty, except so much of the fifth section as relates to the election of wharfmasters and marketmasters, and the first and fifth sections of the act of February ninth, one thousand eight hundred and forty three, and such acts or parts of acts as are inconsistent with this act, be and the same are hereby repealed.

SEC. 9. The city council shall have power to appoint an inspector of tobacco for said city, who shall discharge such duties, and receive such fees therefor as may be provided for and allowed by said city council.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 11, 1845.

AN ACT

To authorize the sale of School Section Sixteen, in Pulaski township, in the county of Williams, and for the sale of Section Sixteen, of original surveyed township, Number Fifteen, in Washington township, Marion county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That school section number sixteen, in Williams county, being the organized township of Pulaski, in said county, being in town six, north, of range three, east, be and the same is hereby authorized to be sold, and such sale shall be governed in all respects by the provisions of an act entitled "an act to regulate the sale of ministerial and school lands and the surrender of permanent leases thereto," passed February second, one thousand eight hundred and forty three, provided that said lands shall not be sold for a sum less than four dollars per acre.

SEC. 2. That section sixteen, in original surveyed township fifteen, in Washington township, in Marion county, in case the same cannot be sold at the appraised value thereof, as provided by the act for the sale of the same, may be sold for a less price so that it be not sold for less than five dollars per acre.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 10, 1845.

AN ACT

To incorporate the Trustees of the Medical Institute of Cincinnati, to be located in the city of Cincinnati.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Henry Morse, Joseph Howard, Garrett Vanausdal, Thomas C. Newton, James Goodin, John Waggoner, Calvin Fletcher, J. V. Loomis, J. L. Conkling, J. I. Avery and B. L. Hill, their associates and successors in office, be and the same are hereby created a body corporate and politic, capable of suing and being sued, pleading and being impleaded, defending and being defended, in any of the courts in this state.

SEC. 2. That the said corporation shall have a common seal, which they may alter or renew at pleasure, and that they shall be authorized to purchase, hold and dispose of property, in their corporate capacity, under the name and style of the Eclectic Medical Institute, of Cincinnati, provided that the capital stock of said institute shall not exceed the sum of twenty thousand dollars, which shall be divided into shares of twenty dollars each.

SEC. 3. That the board of trustees shall consist of not less than eleven, nor more than fifteen members, a majority of whom shall constitute a quorum for doing business.

SEC. 4. That the members composing said board shall be chosen by the stockholders, annually, on the first Monday of April, a majority of the

votes cast being requisite to a choice; and, in casting their votes, each stockholder shall have one vote for every share of stock held by him, up to the number of twenty five shares, and one vote for every five shares which he may hold beyond that number; provided that said trustees may hold their offices, and exercise the duties thereof, until their successors are elected and qualified.

SEC. 5. That the officers of the board shall be a president, vice president, secretary and treasurer, to be chosen by said board out of their own body.

SEC. 6. That the board of trustees shall appoint a faculty, which shall consist of at least five professors, who shall be competent to deliver lectures, for the proper instruction of students in the various departments of medical science, which shall include anatomy, physiology, pathology, materia medica, chemistry, obstetrics, medical jurisprudence, practice of medicine and surgery.

SEC. 7. That the medical faculty of this institution, together with the board of trustees, shall be authorized to confer the degree of doctor of medicine upon such persons, and for such purposes as this degree is conferred by medical colleges, generally, throughout the United States, after the said corporation shall have acquired and shall possess property in its own right, to the fair value of ten thousand dollars, to be estimated by three disinterested freeholders of the county of Hamilton, to be appointed by the auditor of said county, who shall make return of the appraisement, which returns shall be preserved in the auditor's office, and shall have the power of making such bylaws, rules and regulations, as may be deemed necessary for the government of said institution; provided that nothing therein contained shall be inconsistent with the constitution and laws of the United States and of the state of Ohio.

SEC. 8. That no student shall be allowed to present himself as a candidate for graduation, in this institute, until he shall present to the faculty thereof satisfactory testimonials of the following requisitions:

First—That he is twenty one years of age;

Second—That he is of good moral character;

Third—That he has been regularly engaged in the study of physic and surgery with some respectable practitioner or practitioners, for the term of three years, and that he has attended two full courses of medical lectures in some legally incorporated medical college, the last of which shall have been attended in this institution; but it is hereby provided that any individual, who may have been for four years next preceding engaged in a constant and reputable practice of medicine, and shall have attended one full course of medical lectures in this institute, shall be permitted to present himself as a candidate for graduation, before the faculty and board thereof.

SEC. 9. That the faculty and board of this institute shall not be permitted to grant a diploma to any applicant, until such applicant shall have passed a thorough, critical and impartial examination, which examination shall be made by the said faculty, and shall include the various departments of medical science enumerated in section six of this act.

SEC. 10. That the board of trustees, appointed by the first section of this act, shall have power to perform all the duties which the said board is hereby authorized to perform, until their successors shall have been chosen and qualified.

SEC. 11. That all vacancies which may occur in the said board of trustees may be filled by a majority of the remaining members of the board.

SEC. 12. That each and every stockholder shall be liable, in his individual capacity, for debts contracted by the corporation, while he may be or shall have been a stockholder in the same.

SEC. 13. That this corporation shall not possess banking powers, and shall be subject to all the regulations and liabilities of "an act instituting proceeding against corporations not possessing banking powers and the visitatorial powers of courts, and to provide for the regulation of corporations generally," passed March seventh, one thousand eight hundred and forty two.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 10, 1845.

AN ACT

To amend the act to provide for the improvement of the Western Reserve and Maumee Road,
passed March 14, 1838.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the agents of the state, having charge of the public works, shall apply the net proceeds of the tolls collected on said road, after paying for the repairs on that part between the Maumee and Sandusky rivers, to repairing and maintaining so much of said road as lies east of the Sandusky river.

SEC. 2. That so soon as that part of the road east of Sandusky river shall be put in good repair, the agents aforesaid shall cause one or more gates to be erected, and to collect tolls, in rateable proportion to the other parts of the road.

SEC. 3. That the agents shall have power, annually, to apply the unexpended balance accruing from tolls towards completing the unfinished part of the road, provided that the faith of the state shall not be pledged for any additional expenditure.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 11, 1845.

AN ACT

To attach the townships of Homer and Marion, in Athens county, and sections number 5, 6, 12, 29, 30, 35, and 36, in Roxbury township, in the county of Washington, to the county of Morgan.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the townships of Homer and Marion, in the county of Athens, and sections number five, six, twelve, twenty nine, thirty, thirty five and thirty six, in the township of Roxbury, in Washington county, be and the same are hereby attached to the county of Morgan.

SEC. 2. That all suits, civil and criminal, now pending within the limits of that part of the county of Athens and Washington, so set off and attached to the county of Morgan, shall be prosecuted to final judgment and execution, within the counties of Athens and Washington, respectively, in the same manner as they would have been, if the said territory had not been attached to the county of Morgan, and the officers of the counties of Athens and Washington, respectively, shall execute all such process as shall be necessary to carry into effect such suits, prosecutions and judgments; provided, however, that the townships of Homer and Marion shall not be exempted from the payment of their proportion of the taxes levied by the commissioners of the county of Athens, for the year one thousand eight hundred and forty five, for erecting the jail of said county, and the auditor of the county of Athens shall assess said tax on the taxable property of said township, and the treasurer collect the same in the same manner as though this act had not been passed.

SEC. 3. That all justices of the peace, and other township officers in the parts of the counties of Athens and Washington so set off, shall continue to execute the duties of their offices until their term of service shall expire, in the same manner as if they had been elected for the counties of Athens and Washington, respectively.

SEC. 4. This act shall take effect and be in force from and after its passage.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 11, 1845.

AN ACT

To change the name of Tylerville, in Greene county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the name of the town of Tylerville, in Greene county, be and the same is hereby changed to Byron, by which name it shall be hereafter designated and known.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 11, 1845.

AN ACT

To incorporate the Minerva Lodge, No. 98, of Free and Accepted Masons, of Miamisburg, in Montgomery county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That S. H. Smith, Joseph Watson, Moses Smith, Emanuel Gephart, George Pease, M. S. Blossom, F. H. Hoover, John De Rush, George Hartzell, J. A. Leiby, and their associates and regular successors, be and they are hereby created a body corporate and politic, for the term of thirty years in succession, by the name and style of the Minerva Lodge, Number Ninety Eight, of Free and Accepted Masons, of Miamisburg, in Montgomery county, and by that name shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, defend and be defended in all courts and places, and in all matters whatever, with full powers and lawful authority to acquire, hold, use, occupy and enjoy, by purchase, gift, grant or devise, and the same to sell, convey, and improve by erecting a building in the said town of Miamisburg; to make, have and use a common seal, and the same to alter, break or renew at pleasure; to appoint or elect such officers as they may deem necessary; to prescribe their general duties, and require of them such security as they may deem proper, to secure the faithful performance of their duties, and they may renew them at pleasure; to make, ordain, establish and put in execution such bylaws, rules and regulations, not inconsistent with the constitution and laws of this state and of the United States, as shall be necessary for the good government of said society, and the prudent and official management of its concerns; provided that in no case shall any member be allowed more than one vote on the same question.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 11, 1845.

AN ACT

To incorporate certain Literary Societies.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That W. Penn Frailey, Wm. H. Chapman, John McSweeney, James A. Saxton, and George V. Dietrich, with their associates and successors, be and they are hereby created a body corporate and politic, by the name of the Canton Bachelor's Club, in Stark county, provided that no intoxicating liquors, of any name or description, shall ever be used, as a beverage, at any regular meeting, celebration, or anniversary of said club.

SEC. 2. That Abel Underhill, George Miller, Joseph Culbertson, Samuel McGaughey, Samuel Burgesser, John Danner, their associates and successors, be and they are hereby created a body corporate and politic, by the name of the Bachelor's Club, of Massillon, Stark county, provided that

no intoxicating liquors, of any name or description, shall ever be used, as a beverage, at any regular meeting, celebration, or anniversary of said club.

SEC. 3. That John Hines, John G. T. Holstin, John Snodgrass, Gustavus Fox, Eli Caldwell, E. J. Barkdull, their associates and successors, be and they are hereby created a body corporate and politic, by the name of the Newcomerstown Literary Society, in the county of Tuscarawas.

SEC. 4. That G. R. Wall, Jacob Cole, John W. Hulet, Michael Beard, Benjamin Gannon, C. Rosegrant, their associates and successors, be and they are hereby created a body corporate and politic, by the name of the Farmers' and Mechanics' Library Association, of West Lodi, Seneca county.

SEC. 5. That said corporators shall severally be entitled to all the privileges and immunities granted by, and subject to all the restrictions of, the act entitled "an act to regulate incorporated literary societies," passed March seventh, one thousand eight hundred and thirty nine.

SEC. 6. That the incorporators named in the first, second, third, and fourth sections of this act, respectively, or a majority of them, shall give ten days notice, by posting up written or printed advertisements, in three of the most public places in the towns in which said incorporations are respectively located, of their first meeting under the provisions of this act.

SEC. 7. That John T. Bateham, John J. Janney, Samuel Death, Joseph S. Baner, Jesse Janney, and Israel Hibberd, their associates and successors, be and they are hereby created a body corporate and politic, by the name of the Corwin Literary Institute, of Springborough, in Warren county.

SEC. 8. That Daniel Leibee, Andrew Campbell, George L. Winn, David Mulford, Francis, I. Titus, their associates and successors, are hereby created a body corporate and politic, by the name of the Middletown Academy, in the county of Butler.

SEC. 9. That Francis Steins, B. Graman, Mathias Sohlhof, Joseph Kamphues, Henry Greiwe, Joseph Anthony Hernawn, Bernhard L. Strambush, N. Fritz, H. Bush, John Barnard Ronnebaum, B. Wilberding, H. Hemmelgarn, B. Hunkampf, their associates and successors, are hereby created a body corporate and politic, by the name of the German Catholic Library Association, of Cincinnati.

SEC. 10. That J. S. Morehouse, Joseph Gaines, Samuel Donnels, their associates and successors, are hereby created a body corporate and politic, by the name of the Donnellsville Library Association, in Clark county.

SEC. 11. That S. O. Griswold, J. E. Ingersoll, J. C. Grannis, and P. C. Safford, their associates and successors, be and they are hereby created a body politic and corporate, by the name of the Union Society, of Oberlin College Institute, in Lorain county.

SEC. 12. That R. R. Chancellor, B. Cousins, Isaac Morris, and James Richards, trustees and subscribers of the School Fund Society, of Ross county, their associates and successors, are hereby created a body politic and corporate, by the name of the Trustees and Subscribers of the School Fund Society, of Ross county.

SEC. 13. That Daniel P. Nelson, Silas Roll, Samuel Corr, Robert Moore, and Hiram Pearson, their associates and successors, be and they are hereby created a body politic and corporate, by the name of the Hanover Social Library Association, of the county of Butler.

SEC. 14. That C. B. Squire, A. W. Hendry, Earl Bill, Isaac Fowler, and Ebenezer Warner, their associates and successors, be and they are hereby created a body politic and corporate, by the name of the Erie County Antiquarian Society.

SEC. 15. That James Justice, Jesse S. Olmsted, John R. Pease, Cooper K. Watson, N. B. Eddy, and Lewis B. Otis, their associates and successors, be and they are hereby created a body politic and corporate, by the name of the Lower Sandusky Phrenological Mesmeric Institute, of Sandusky county.

SEC. 16. That said corporations shall, severally, be entitled to all the privileges and immunities granted by, and subject to all the restrictions of, the act entitled "an act to regulate incorporated Literary societies," passed March seventh, one thousand eight hundred and thirty nine.

SEC. 17. That the corporators named in the foregoing sections of this act, respectively, or a majority of them, shall give ten days previous notice, by posting up written or printed advertisements in three of the most public places in the towns, or near the places where said incorporations are respectively located, of their first meeting under the provisions of this act.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 11, 1845.

AN ACT

For the relief of David Witherow.

Whereas, in the year one thousand eight hundred and thirty nine, Solomon Morthland was recognized in the sum of three hundred dollars, with Alfred Wright and David Witherow as his securities, to appear before the court of common pleas, of Carroll county, and on default of his said appearance, a judgment was taken by said court on his said recognizance; that said judgment was paid by the said David Witherow to his great injury; therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of the county of Carroll be and they are hereby authorized and empowered to refund and restore, to the said David Witherow, any amount of said judgment exceeding the costs incurred and actually paid by the treasury of said county.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 11, 1845.

AN ACT

To authorize the sale of Section Sixteen, in the fifth township and fifth range, in Monroe county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That section sixteen, in the fifth township, of the fifth range, in Monroe county, be and the same is hereby authorized to be sold according to the provisions of the act entitled "an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto," passed February second, one thousand eight hundred and forty three.

SEC. 2. That no part of said section shall be sold for a less sum than five dollars per acre, nor less than its appraised value.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 11, 1845.

AN ACT

To authorize the Auditor of Butler county to levy a tax for certain purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the auditor of the county of Butler be and he is hereby authorized to assess a tax, for the years one thousand eight hundred and forty five, one thousand eight hundred and forty six, one thousand eight hundred and forty seven, and one thousand eight hundred and forty eight, upon the real and personal property of the proprietors and residents on fractional section number six, in township number one, and section number thirty six, in township number two, and range number two, and fractional sections numbers one, two and three, in township number one, and sections numbers thirty one and thirty two, and fractional section number thirty three, in township number two, of range number three, between the Miami river; also, of the proprietors of what is known as Millikin's Island, embracing fractional section number seven, and parts of sections numbers twenty one, twenty eight and twenty nine, in township two, and range number three, east of the meridian line drawn from the mouth of the Great Miami river, in the said county of Butler, as shall amount, annually, to a sum not less than five hundred dollars, to be levied and expended in the manner, and applied to the improvements hereinafter specified.

SEC. 2. That the taxes which shall be collected under the provisions of this act, together with the taxes that have been or may be collected under the act entitled "an act to authorize the commissioners of Butler county to levy a tax for certain purposes," passed March twelfth, one thousand eight hundred and forty four, shall be applied to the following improvements within the district aforesaid, to wit:

First—To the draining of the water which flows from the Hamilton basin;

Second—That the surplus, after the completion of said work, shall be applied, in equal amounts, to the draining or improvement of Old river, north of the town of Hamilton, and the draining or filling up of certain ponds on the lands of John Woods and Margretta Brennan, south of the said town; provided that when either of said last mentioned works shall have been completed the whole of said funds shall be applied to the prosecution of the other.

SEC. 3. That for the purpose of making an apportionment of the said tax, according to the relative benefits to be derived by the several persons so taxed, as aforesaid, James McBride, of the county of Butler, and any other suitable person whom the commissioners of the said county of Butler may designate and appoint for that purpose, shall be commissioners to make such apportionment, in the following manner, to wit: They shall, annually, in the month of May, during the years aforesaid, take an abstract from the duplicates in the auditor's office of said county, to be furnished by the auditor of the county, of the valuation of the property to be taxed, as aforesaid, as the same may stand valued on the grand levy, for state and county purposes, and, thereupon, on due consideration of the relative benefits which the owners of the property, so taxed, shall derive from the improvements contemplated to be made, as aforesaid, both in regard to the immediate advantages to the land that may be reclaimed or improved thereby, and the general advantages by the probable improvement on the health of the location of such property, and also of the damages, if any, that the owners thereof may sustain, thereby assessed and determined, and the amount per centum upon the valuation of the property, aforesaid, as the same may stand valued upon the said abstract, which the several owners of the said property shall pay, making provisions in such assessment for the collection of a sum, not less than five hundred dollars annually, as aforesaid, which assessment they shall duly certify and return, annexed to the abstract, aforesaid, to the office of the auditor of the county, aforesaid, on or before the first Monday of July; provided that if, by any means, the appointment of the said James McBride should become vacant, the commissioners of said county are hereby authorized to appoint some other suitable person to fill such vacancy.

SEC. 4. That the auditor of the said county, in making out the duplicates for the treasurer of the said county, shall add thereto the assessment, aforesaid, and the said taxes shall be collected by the treasurer in the manner provided for the collection of taxes for state and county purposes, and shall pay over the same, when collected, to the treasurer of the town of Hamilton.

SEC. 5. That the mayor and trustees of the town of Hamilton shall, annually, in the month of May, in the years named in the first section of this act, select and appoint three freeholders residing within the district, subject to the said tax, who shall determine upon the plan on which the improvements, aforesaid, shall be made under the provisions of this act, who shall have power to employ a competent engineer to make surveys of the ponds, &c., to be improved, to let out the work by contract, or otherwise, and to employ competent superintendents to manage the said improvements; which engineers, superintendents or other persons, so employed, and the commissioners appointed, as aforesaid, to make the assessment,

shall receive for their services such sums as the said freeholders shall deem just and right, to be paid by the treasurer of the town of Hamilton out of the fund, aforesaid, on the joint order of the said freeholders; provided, however, that no compensation shall be allowed for the services of the said three freeholders, so appointed by the said mayor and trustees of the town of Hamilton.

SEC. 6. That whenever the mayor and trustees of the town of Hamilton may be of the opinion that the contemplated improvements, hereinbefore mentioned, may be more advantageously made by a speedy prosecution and termination of the same, they shall be and are hereby authorized to borrow any sum of money for that purpose, not exceeding the whole amount authorized at the time of such loan, to be collected by taxation, under the provisions of this act, to the liquidation of which loan the moneys so collected, as aforesaid, shall be applied, from time to time, as they shall be received into the treasury of the said town; and the money so borrowed shall be expended in the manner, and for the objects of improvement, hereinbefore mentioned.

SEC. 7. That the act entitled "an act to authorize the commissioners of Butler county to levy a tax for certain purposes," passed March twelve, one thousand eight hundred and forty four, be and the same is hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 11, 1845.

AN ACT

To authorize the executors of Thomas S. Perkins, deceased, to sell and convey certain lands.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees or the survivor or survivors of them appointed by the last will of Thomas S. Perkins, deceased, late of New London, Connecticut, which will is dated August twenty sixth, one thousand eight hundred and forty three, be and they, or the survivors of them, are hereby authorized to execute the trusts contained in said will upon causing said will, and the certificate of probate thereof to be recorded in the Recorder's office of any county in which are situated lands directed by said will to be sold prior to the execution of said trust or conveyance of the same.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 11, 1845.

AN ACT

For the relief of Rowland Rees.

Whereas, it is represented that Rowland Rees, of Hancock county, is the proprietor of a lot of land in Hancock county, being the east half of the southeast quarter of section thirty six, in township two, south, of range ten, east, upon which the said Rees has paid all taxes, and, also, that without the consent of said Rees, the town of West Union was laid out on said land, and the lots in said town, entered for taxation on the duplicate, and have become forfeited to the state for the nonpayment of the tax on said lots; therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That* the county auditor, of Hancock county, be and he is hereby authorized and directed, in case he finds that the taxes have been paid on the above described lands of Rowland Rees, to strike from the duplicate all lots entered thereon, as in the town of West Union, and being situate on the same land of the said Rees, and remit all taxes thereon, provided that the said Rowland Rees pay to the said auditor all fees due him, and incurred in consequence of the application to perform the duties aforesaid, under this act.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 11, 1845.

AN ACT

To authorize the lessees of School Section Sixteen, in Perry township, Gallia county, to surrender their leases and receive deeds.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That* the lessees of so much of school section number sixteen, in original surveyed township number five, of range sixteen, in Perry township, in the county of Gallia, as remains unsold, be and they are hereby authorized to surrender their leases and take deeds for their lots or tracts of land, held by them respectively, and such surrender shall in all respects be governed by the provisions of an act entitled an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto, passed February second, one thousand eight hundred and forty three, and the amendatory act thereto, passed March twelfth, one thousand eight hundred and forty four.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 11, 1845.

AN ACT

To divide the town of Hudson, in the county of Summit, into two School Districts.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That* the town of Hudson, in the county of Summit, be and the same is hereby divided into two school districts, by setting off from the north part of said town a district bounded as follows, to wit: beginning on the east side of the north and south center road, at a point in the south line of Nathan Strong's land; thence east to the west line of Harvey Coe's land; thence south to the south line of said Coe's land; thence east along the south line of said Coe's land to the north and south front College street; thence south to the Aurora road; thence eastwardly along said Aurora road to the east line of said town; thence north to the north line of said town; thence west to the west line of said town; thence south, so far, that a line east and west shall strike the south line of said Strong's land; thence east to the place of beginning.

SEC. 2. The territory above set off shall hereafter be styled and known as the North School District, of Hudson, and the remaining territory of said town shall hereafter be styled and known as the South School District, of Hudson.

SEC. 3. Each of said school districts shall have power to elect its own directors and other officers, and also to levy, collect, and appropriate its own taxes, separately and independently of the other; and each of them shall have the powers and privileges, and be subject to all the liabilities of a separate and distinct school district.

SEC. 4. All school moneys now drawn by, or apportioned to the original school district, by this act divided into two districts, shall be retained or drawn by said south district, for its own use exclusively; and the records, accounts, and other papers and archives of said original districts shall be retained and preserved by said south school district, as the property of said last mentioned district.

SEC. 5. All assessments of taxes for school purposes, or votes to levy such taxes by said town, as one entire school district, not carried into effect by actual collection before the passage of this act, are hereby declared to be null and void.

SEC. 6. This act shall take effect and be in force from and after the passage thereof.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 11, 1845.

AN ACT

To incorporate the town of Marysville, in the county of Union, and to repeal all acts now in force in relation thereto.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That* so much of the township of Paris, in the county of Union, as is contained and comprehended within the following bounds, to wit: beginning at the northeast corner of the recorded plat of the town of Marysville; thence west, with the north boundary of said town, to the northwest corner of outlot number eight; thence south, with the west line of outlots numbers eight, seven, six and five, to the southwest corner of said outlot number five; thence east, with the south line of said lot and outlot number four, to the southwest corner of inlot number ninety one; thence south, to the road leading to Milford; thence with said road, including the same, to the south end of Main street; thence east, along the south boundary of said town, to the southeast corner thereof; thence north, to the east end of South street; thence east, sixty poles, to the southeast corner of Richard Bancroft's lot; thence north, fifty two poles; thence east, sixty poles, to the southeast corner of inlot number one hundred and nine; thence north, twenty one poles, to the beginning, be and the same is hereby created a town corporate, and shall hereafter be known and distinguished by the name of the town of Marysville, and shall be governed by the provisions of the act entitled "an act for the regulation of incorporated towns," passed February the sixteenth, A. D., one thousand eight hundred and thirty nine, except in so far as the provisions thereof are modified, and further provisions are made by this act.

SEC. 2. All suits or other proceedings instituted by or against the corporation, shall be in the name of "the town of Marysville."

SEC. 3. The town council shall establish and organize all such fire companies, and provide them with proper engines, and other apparatus, that may be necessary to extinguish fires, and preserve the property of the inhabitants from conflagration, and they shall make such bylaws and regulations for the government of such fire companies, and for the owners of property in said town, providing fire buckets, as they shall think fit, expedient and proper.

SEC. 4. The town council shall have power to erect, establish and regulate market and market places, and provide for the government thereof; to grant or refuse license to showmen, keepers and managers of theatrical exhibitions, and all other exhibitions for money or reward, and to exact and receive therefor such sum or sums of money as they shall deem expedient and proper, and annex thereto such terms and conditions, as to time, place, and other circumstances, under which such license shall be acted upon, as, in their opinion, the peace, quiet, and good order of society in said town may require.

SEC. 5. That the common council shall hold stated meetings at such times, and at such places, as they may fix on; and meetings for special purposes may, when necessary, be called by the mayor or recorder; they shall have full power and authority to enact, publish, and enforce, all such laws, ordinances and regulations, as to them shall seem necessary, relating to the regulation of streets and alleys; for clearing, grading, raising, draining,

paving, turnpiking, or otherwise keeping the same in repair; for causing or requiring owners of lots, or parts of lots in such parts of said corporation, as the common council may, from time to time, prescribe, to curb and pave, or gravel, the sidewalks, in front of their respective lots, holding a lien on the real property of any owner who may neglect or refuse to comply with said regulations; for the restraining of swine, dogs and sheep, from running at large in said corporation; for the abatement and removal of nuisances; and for the imposition of reasonable fines, or fines and penalties, on all persons transgressing against the laws, ordinances and regulations as aforesaid; and from time to time, to enact, ordain, publish, and enforce, all such other laws, ordinances, and regulations as they may deem necessary and proper, for the health, cleanliness, peace, morals, and good government of said corporation and the inhabitants thereof, not contrary to the constitution and laws of the United States, or of the state of Ohio.

SEC. 6. If any owner or owners of a lot, lots, or part of a lot, as aforesaid, within said corporation, shall neglect or refuse to curb and pave, or gravel, the sidewalks in front of his, her, or their premises, when required to do so, in accordance with the provisions of the preceding section of this act, and within the time, and in the manner prescribed by the town council, the said town council may then curb and pave, or gravel such sidewalk, and may recover the cost thereof against the proprietor or proprietors, either by an action of debt in any court, having cognizance thereof, or the same shall be assessed as a tax on the premises, and entered on the duplicate, and in the same manner as the other taxes of said town shall be collected.

SEC. 7. The said town council, to defray the current expenses of said town, shall have power to levy and collect taxes on the real and personal property within said corporation, which shall be liable to taxation for state and county purposes, as the same shall be assessed, appraised, and returned on the grand levy of the state; provided such tax so levied shall not exceed, in any one year, five mills on the dollar, upon the assessed valuation of such property returned as aforesaid, (exclusive of the assessment allowed to be made under the preceding section of this act,) which said tax shall be levied and collected in the manner following, to wit: the said town council shall, on or before the second Monday of June, in each year, determine the per centum to be levied upon the taxable property within said corporation, not exceeding the amount aforesaid, and cause the same to be certified to the auditor of the county of Union; and the said auditor is hereby directed and authorized to place the same in additional columns upon the duplicate of taxes for said county, in the same manner in which township taxes are now placed upon said duplicate; which corporation taxes shall be collected by the county treasurer, or such other officer as may be hereafter authorized by law to collect the county taxes of said county, and paid into the treasury of said corporation, in the same manner, with the same power, and under the same restrictions and regulations, in all respects, as to the sale of real and personal property, as may be provided and required by law for the collection of state and county taxes; and the county auditor shall be allowed the same fees that are or may be provided by law for like services, in relation to state and county taxes, (he be-

ing allowed only for the additional labor performed by placing such tax on the duplicate,) and the county treasurer shall be allowed four per centum on all moneys so collected by him, and paid into the treasury of said town.

SEC. 8. The first election under this act shall be held on the last Monday of March, in the year one thousand eight hundred and forty five, and on the same day, annually, thereafter; the present town council shall give ten days notice of the time and place of holding the first election under this act, any two of whom, with the recorder, or, in his absence, any other person chosen by them, as clerk, shall hold said first election; and in all other respects the same shall be regulated by the provisions of the act entitled "an act for the incorporation of towns."

SEC. 9. The act entitled "an act to incorporate the town of Marysville, in the county of Union," and the act amendatory thereto, are hereby repealed; provided that said body corporate shall continue under this act of incorporation, and all ordinances, passed pursuant to the provisions of the law hereby repealed, shall continue in force until repealed by the authority of said corporation; and all contracts, agreements, or obligations, now binding on said body politic and corporate, shall remain in full force, and be obligatory under this act.

SEC. 10. The members of the town council shall hold their offices until their successors are elected and qualified, and if, by neglect or otherwise, there should be a failure to elect persons to fill said offices, for two consecutive years, then this act to be null and void.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 11, 1845.

AN ACT

To amend an act entitled "An act to establish and lay out a Free Turnpike Road from Lebanon to Hopkinsville, in Warren county."

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners named in the act, to which this is an amendment, or their successors in office, may at any time prior to the first day of September, one thousand eight hundred and forty five, meet, organize, and permanently locate said road under the provisions of the act to which this is an amendment.

SEC. 2. That the provisions of the act, to which this is an amendment, that are inconsistent with the provisions of this act are hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 11, 1845.

AN ACT

To authorize the reappraisement of the west half of the southwest quarter of section number fifteen, in township number sixteen, range eighteen, Refugee tract, lying and being in the county of Fairfield.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the west half of the southwest quarter of section number fifteen, in township number sixteen, in range number eighteen, Refugee tract, lying and being in the county of Fairfield, heretofore entered and purchased by Jesse Taylor, the said section number fifteen, having been granted for the use of schools in the original surveyed township, number seventeen, in said Refugee tract, be and the same is hereby authorized and allowed to be reappraised according to the laws in force for the appraisement of school lands, at any time previous to the first day of June next.

SEC. 2. That any amount of money heretofore paid by the said Jesse Taylor, shall be credited and allowed towards the amount of said reappraisement, all sums heretofore or hereafter paid by him towards the price of said tract of land, previous to said reappraisement, and whenever the said Jesse Taylor, shall have paid the amount of said reappraisement in full, he shall be as fully entitled to receive a deed as if he had paid the original appraisement in full.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 11, 1845.

AN ACT

To impose additional taxes for the benefit of certain Roads therein named.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Lucas and Williams counties, in said state, are hereby authorized, for the term of five years, annually, at their June session, to levy an additional tax not exceeding twenty five mills on the dollar of valuation, on all lands lying and being situate within one half mile of a certain state road in the said counties of Williams and Lucas, leading from Toledo, westward through said counties to the west line of this state, laid out and established in pursuance of an act of the general assembly, passed March fifth, one thousand eight hundred and forty two; and also a like tax upon all lands lying and situate within one half mile of a certain road from Maumee City, in said county, leading through the townships of Springfield, Wing and Richfield, in a northwest direction, and intersecting said state road in the township of Fulton, for the benefit, construction and repair of said roads, respectively; said additional road tax shall be placed upon the county duplicate and collected as other road taxes are collected.

SEC. 2. That all the additional taxes so assessed and collected for the

benefit of said roads, not paid in labor under the direction of the supervisors, shall be annually appropriated by the county commissioners of the proper county at their March session, in such sums as they deem advisable to the construction or repair of specific portions of said roads, to be expended under the direction of superintendents, by them for that purpose appointed, which superintendents shall, before entering upon the duties of their said appointment, enter into bonds with one or more sureties to the satisfaction of the commissioners, to faithfully discharge their said duties, and account for all such sums of money as they shall certify to have been earned under their superintendence; and whenever the county commissioners shall appropriate any sum of money for the construction of any specific portion of said roads, it shall be the duty of the superintendent under whose direction the appropriation is to be made to let the job or jobs to the lowest responsible bidder, after at least twenty days public notice in some newspaper, or at three public places in the vicinity of the work to be done, and the said superintendents shall annually settle with the commissioners at their December session.

SEC. 3. That upon the failure of any superintendent to settle at the proper time, and to account for all the money drawn on his certificates, a penalty of twenty five per cent. shall be added to the amount of his delinquency, and the commissioners shall immediately commence suit against such delinquent superintendent for the said amount of delinquency and penalty, and proceed to collect the same as delinquencies are collected from county treasurers.

SEC. 4. That said moneys, so collected by such additional tax, shall be drawn for by the county auditor, upon the certificate of the superintendent.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 11, 1845.

AN ACT

To authorize the Master and Wardens of Nova Cesarea Harmony Lodge, No. 2, to borrow money.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the master and wardens of Nova Cesarea Harmony Lodge, No. 2, be and they are hereby authorized, for the purpose of improving the value of the real estate belonging to said lodge, to borrow money, on the pledge of any or all the real estate to it belonging, provided that the money so borrowed shall not exceed the sum of twenty thousand dollars.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 11, 1845.

AN ACT

To amend an act entitled "an act to incorporate the Dayton and Madriver Valley Turnpike Road Company," passed March 13, 1843, and an act entitled "an act to incorporate the Madriver Valley, Urbana and Kenton Turnpike Road Company," passed the 18th day of February, 1845.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the Dayton and Madriver Valley Turnpike Road Company, and the Madriver, Urbana and Kenton Turnpike Road Company, for the purpose of enabling them to complete said roads, and to keep the same in repair, are hereby authorized to enter upon any improved lands, unincumbered by a crop, near or adjoining said roads, and dig or quarry and carry away any stone, gravel or sand which may be necessary to complete or keep in repair said road.

SEC. 2. It shall be the duty of said companies, or their agent, to give notice to the owner or occupier of said land of such their intention to take away the materials aforesaid, and the owner or occupier of said land may designate or point out to said companies, or their agent, the place where such owner or occupier may choose to have such materials taken; and if such owner or occupier shall fail to designate a place for procuring such materials, or shall designate a place where such materials cannot be procured, it shall be lawful for said companies, or their agent, to procure and take away said materials, doing as little damage as possible to such lands, and paying to the owner or occupier of such lands a fair compensation in money for such materials and for any damage which may be done in procuring and removing said materials; and if any difference should arise between said companies, or their agents, and the owner or occupier of said lands, as to the amount of damages done in procuring said materials or the value of said materials, the same shall be determined by three disinterested freeholders of the county, to be chosen one by each party, and they to choose a third, and the amount so allowed by said arbitrators shall be paid by said company before entering on said lands to take and carry away said materials as aforesaid, and the companies shall pay all expenses of arbitration of damages which may accrue under the provisions of this act.

SEC. 3. That if such owner or owners, or said company, shall refuse or neglect to join in such choice, it shall be lawful for the other party to apply to any justice of the peace of the township in which the land may lie, whose duty it shall be upon such application, to appoint three disinterested freeholders for the purposes aforesaid.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

To amend an act, passed January 31, 1845, to incorporate the Milan and Richland Plank Road Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That the Milan and Richland Plank Road Company are authorized to construct and extend said road from the points in Richland county, mentioned in said act, to the town of Loudonville, in said Richland county.*

SEC. 2. *That the said company shall have power to construct the whole or any part of said road of coal, stone or plank, as the directors shall deem proper for the interest of the said corporators.*

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 11, 1845.

AN ACT

To incorporate the board of directors of Wittenberg College.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That John Hamilton, of the county of Stark, William G. Kiel, and David Tullis, of the county of Guernsey, John B. Reck, and Solomon Ritz, of the county of Tuscarawas, George Leiter, of the county of Richland, John H. Hoffman, and Jacob Roller, of the county of Columbiana, Elias Smith, of the county of Wayne, Presley N. O'Bannan, of the county of Licking, John N. Kurtz, of the county of Clark, Philip Binkley, of the county of Greene, David Potter Rosenmiller, Frederick Gebhart, and Peter Baker, of Montgomery county, and George Sill, of the county of Preble, members of the board of directors, appointed by the English Evangelical Synod of Ohio, and Miami Synod, to establish a college at some suitable point in Greene or Clark county, state of Ohio, are hereby created a body corporate and politic, by the name, style, and title of the Board of Directors of Wittenberg College, and they and their successors in office, as such, shall have power to sue and be sued, plead and be impleaded, to defend and be defended in all courts of law and equity; to have a common seal and to alter it at pleasure; to hold all kinds of estate which they may acquire by purchase or donation to any amount necessary to accomplish the objects of the institution, and to have and to convey at discretion; to form a constitution and bylaws for their perpetuation and government; to make all necessary regulations for the management of their fiscal concerns; to admit, exclude and expel members; to appoint officers and to do such other acts as may be necessary to effect the promotion of theological and scientific knowledge; provided, however, that said constitution, bylaws and regulations, shall be consistent with the constitution of the United States and the state of Ohio.*

SEC. 2. *That the professor or professors appointed by said board, in*

said college, or a majority of them, shall constitute the faculty, and have power to enforce the rules and regulations enacted by the board of directors for the government and discipline of the students, and finally to suspend or expel such of them, as may, in their judgment, deserve it, and to grant and confirm, by the consent of the board of directors, such degrees in the liberal arts and sciences or such branches thereof, to such students or others, whom, by their proficiency in learning and other meritorious distinctions they shall regard as entitled to them, as it has been usual to grant in other colleges, and to grant to such graduates diplomas or certificates under their common seal, to authenticate and perpetuate such graduation; provided that the power of conferring degrees shall not be exercised by said corporation until it shall have acquired property, either real or personal, and in possession thereof, to the value of ten thousand dollars, to be ascertained by three disinterested freeholders of the county where said college may be located; said appraisers to be appointed by the auditor of such county, and to make return in writing of their appraisal, which returns shall be filed and preserved in the office of said auditor.

SEC. 3. That no misnomer of said corporation shall defeat or annul any gift, grant, devise or bequest to or for the said corporation, provided the intent of the parties shall sufficiently appear upon the face of the gift, grant, will or other writing, whereby any estate or interest was intended to pass to or for said corporation.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 11, 1845.

AN ACT

To authorize the trustees of the Cincinnati College to borrow money to erect College Buildings.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the Cincinnati College be and they are hereby authorized to borrow any amount of money, not exceeding thirty five thousand dollars, in such sums as the said trustees may deem expedient, at a rate of interest not exceeding eight per centum per annum, and that said trustees be authorized to issue the bonds of the corporation for the sum so borrowed, payable at such times as they may deem expedient, to be secured, if necessary, by the pledge of the property of the corporation. This act to take effect and be in force from and after its passage.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 11, 1845.

AN ACT

To lay out and established a Free Turnpike Road from Maumee City to Sylvania, in Lucas county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That* Eli Hubbard, of the township of Sylvania, Harvey Kellogg, of the township of Springfield, and Francis Hallenbeck, of the township of Waynesfield, in said county, be and they are hereby appointed commissioners to lay out and establish a free turnpike road, comencing at the bridge in said city, over the Wabash and Erie canal, on the westerly line of private grant, number five hundred and seventy five, thence running along the westerly line of said grant, to the northeast corner thereof; thence in the same direction to the section line, between sections thirteen and fourteen, in township number two, United States twelve mile square Reserve, and thence along the route surveyed by William Martin, for county road, number one hundred and twenty seven, to Sylvania, where said road, number one hundred and twenty seven, terminates, which shall be constructed, repaired and preserved in the manner pointed out in this act.

SEC. 2. That said commissioners shall have power to appoint superintendents and such other agents as they may deem necessary to carry into effect the provisions of this act; a majority of said commissioners shall have power to transact any business, and exercise any powers devolving on them, or intrusted to them by this act; and they shall keep a record of their proceedings, which shall at all times be open to inspection by any person interested, or desiring to inspect the same.

SEC. 3. That said commissioners shall meet on the first Monday in May, one thousand eight hundred and forty five, or within sixty days thereafter, and organize, by choosing one of their number president of the board; and they shall then take measures to view, locate and establish said road, and of all such locations they shall file a copy with the auditor of Lucas county.

SEC. 4. The commissioners shall have power to receive subscriptions and donations in money, or property, real or personal, which shall be applied to the construction of said road; they may make contracts for constructing the same in a solid and durable manner, and for keeping the same in repair; they may open and finish said road, in the first instance, along such portions of the line thereof as will soonest render the whole line available for travel or transportation; and they shall have power to purchase and procure all necessary implements and fixtures to preserve said road in repair.

SEC. 5. That in order to raise a fund for the construction of said road the commissioners of the county of Lucas, be and they are hereby authorized and required to levy a tax annually, at their June session, for the term of five years, not to exceed five mills on the dollar of the valuation of the following real estate, situate in the United States twelve mile square Reservation, being all of private grant, number five hundred and seventy five, including town lots; all of river tract, number nineteen, including town lots laid off on both of said tracts; fractional section thirty, in township three; the southwest fourth of fractional section nineteen, in township three; fractional section twenty four, in township two; fractional section thirteen; the east half of fractional section fourteen; the west half of sections twelve and

one, and the east half of sections two and eleven, all in township two; also on the following real estate, situate in township nine, south, of range six, east, being fractional sections thirty five and thirty six; section twenty six; the southwest fourth, and the west half of the southeast fourth, and the west half of the northwest fourth of section twenty five; all of section twenty three; the east half of section twenty two, and the east half of the northwest fourth of section twenty two; west half of section fourteen, and the whole of section fifteen; the west half of section ten, and the east half of section nine, including town lots laid off thereon; the west half of so much of section three, and the east half of four, as lie south of the Michigan state line; and four mills on the dollar, on private grant, number five hundred and seventy eight, and river tract number twenty, and town lots laid off on the two last named tracts; and the east half of sections one and twelve, in township two, and on the west half of so much of sections four, and the east half of section three, as lie south of the Michigan state line; and the east half of section ten, and the west half of section nine, in township nine, south, of range six, east; and three mills on the dollar, on private grant, number five hundred and seventy nine, in the United States twelve mile square Reserve; also, of two mills on the dollar on private grant, number five hundred and eighty; also river tract number twenty one, including town lots laid off on said tract; also one mill on the private grant, number five hundred and eighty one, and on river tract twenty two, including town lots laid off on said tract.

SEC. 6. That so much of the taxes appropriated by this act, as shall be paid into the county treasury, shall be computed by the auditor of Lucas county, and shall be expended on said road.

SEC. 7. That said commissioners and their successors shall be a corporation by the name and style of the Maumee City and Sylvania Free Turnpike Road, and for the purpose of carrying into effect the provisions of this act it shall be their duty to prosecute for all obstructions of said road, for injuries done to the same, or the bridges thereon; and the form of such prosecutions shall be in the action of debt; and the amount recoverable in each case shall be the amount of damages actually found by the court or jury, with ten per centum thereon; and in all cases the said commissioners shall have a right to sue either before a justice of the peace, or in the court of common pleas of the proper county, which suits shall be appealable as in other cases; and the amounts collected in each case shall be for the benefit of said road, and shall be paid to said commissioners or their agents.

SEC. 8. The said commissioners shall, annually, in the month of January, make a full statement of their receipts and expenditures under this act, and deposit a copy thereof in the auditor's office of the county of Lucas.

SEC. 9. The supervisor of any road district through which said road may pass shall be and hereby is authorized to appropriate any portion of the road tax or personal property, and of the two days labor within his district, which he may deem expedient, to the construction, preservation and repair of said road, and the same shall be applied under the direction of said commissioners or their agents.

SEC. 10. The commissioners of said road shall be allowed their reasonable expenses, not exceeding seventy five cents per day, for every day

necessary to be employed on the business of said road, and no more; and when any vacancy shall happen in said board, by death, resignation or otherwise, the commissioners of the county, in which such vacancy may occur, on being notified thereof, shall fill the same as often as the same may occur; and the said commissioners and their successors shall each hold their offices for the term of two years from the time of their appointment, and shall each give bail to the state of Ohio, for the use of the county commissioners, in such amount as shall be fixed by the county auditor of Lucas county, with security to be approved by such county auditor for the faithful discharge of the duties of their office, and the paying over and expending all the moneys that may come into their hands by virtue of their office.

SEC. 11. The expenses of surveying and locating, and other expenses incidental to the construction, preservation, superintendence and repair of said road, shall be paid out of the funds appropriated by this act.

SEC. 12. All claims for damages, arising out of the location of said road, shall be settled in the manner prescribed by the act for opening and regulating roads and highways, and all damages assessed for injury to property shall be paid out of the county treasury, if, in the opinion of the county commissioners, the benefit resulting from the establishment of said road, will be greater than the amount of damages assessed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate

March 11, 1845.

AN ACT

To authorize the town of Painesville and the town of Norwalk to levy a tax for the benefit of Common Schools therein.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the corporate authorities of the town of Painesville, in Lake county, and the town of Norwalk, in the county of Huron, shall be and hereby are authorized, annually, to levy a tax on all dogs, six months old and upwards, owned or kept at each house, store or shop in said town, against each householder, shop or storekeeper, at whose house, store or shop such dog or dogs are found, to be appropriated by said authorities for the use of common schools in said town, so that the proportion of such tax, collected in each school district, shall be so appropriated in that particular district.

SEC. 2. Said corporate authorities are authorized to enact all bylaws necessary to carry the provisions of this act into operation.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

To incorporate Central Lodge, No. 23, of the Independent Order of Odd Fellows, at Columbus, State of Ohio.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Alexander E. Glenn, Thomas Stitt, David Overdier, James Aston, Moses Altman, William K. Carr, James R. Armstrong, Asa Tyler, and their associates, members of Central Lodge, Number Twenty Three, of the Independent Order of Odd Fellows, at Columbus, state of Ohio, and their regular successors, be and they are hereby created a body corporate and politic, for the term of thirty years in succession, by the name and style of Central Lodge, Number Twenty Three, of the Independent Order of Odd Fellows, of Ohio, for the purpose of more effectually relieving the members and their families, afflicted with sickness and disease, and who may be in distressed circumstances, and, by that name, shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, defend and be defended, in all courts and places, and in all matters whatever, with full power and lawful authority to acquire, hold, use, occupy and enjoy, by purchase, gift, grant, lease or devise, any property in the city of Columbus, aforesaid, that may be necessary for carrying on the object of said lodge, provided that such property shall not exceed the value of twenty thousand dollars, and the same to sell, convey, improve, or in any manner dispose of; to make, have and use a common seal, and the same to alter, break and renew at pleasure; to appoint such officers as they may deem necessary, to prescribe their general duties, and require of them such security as they may deem proper to secure the faithful performance of their duties; to make, ordain, establish and put in execution such bylaws, rules and regulations, not inconsistent with the constitution and the laws of this state or of the United States, as shall be necessary for the good government of said society, and the prudent and official management of its concerns, provided that, in no case, shall any member be allowed more than one vote on the same question; provided, also, that the said incorporation shall not, in any wise, engage in banking, insuring property, or do any other thing not expressly granted by the provisions of this act.

SEC. 2. That Levi Richmond, Alfred Breitenbach, Samuel Shaffer, Augustus Breitenbach, Samuel Milliken, Isaac Matthias and W. C. Scoby, and their associates, members of the Harmony Lodge, Number Fourteen, of the Independent Order of Odd Fellows, at Rossville, Butler county, Ohio, and their regular successors, be and they are hereby created a body corporate and politic, for the term of thirty years in succession, by the name and style of the Harmony Lodge, Number Fourteen, of the Independent Order of Odd Fellows, for the purpose of more effectually relieving the members and their families, afflicted with sickness and disease, and who may be in distressed circumstances, and, by that name, shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, defend and be defended, in all courts and places, and in all matters whatever, with full power and lawful authority to acquire, hold, use, occupy and enjoy, by purchase, gift, grant or devise, any property, in the town of Rossville, that may be necessary for carrying on the object of said lodge, and the same to sell, convey, improve, or in any other manner dis-

pose of; to make, have and use a common seal, and the same to alter, break and renew at pleasure; to appoint such officers as they may deem necessary, to prescribe their general duties, and require of them such security as they may deem proper to secure the faithful performance of their duties; to make, ordain, establish and put in execution such bylaws, rules and regulations, not inconsistent with the laws of this state, as shall be necessary for the good government of said society, and the prudent and official management of its concerns, provided that, in no case, shall any member be allowed more than one vote on the same question; provided, also, that the said company shall not, in any wise, engage in banking, insuring property or do any other thing not expressly granted by the provisions of this act.

SEC. 3. That said associations, and the corporators thereof, shall be subject to the provisions of "an act instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally," passed March seventh, one thousand eight hundred and forty two.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

To revive the act entitled "An act to incorporate the Venice and Margarett Railroad Company."

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the act entitled "an act to incorporate the Venice and Margarett Railroad Company," passed April third, one thousand eight hundred and thirty seven, be and the same is hereby revived, and that the time limited in said act for finishing said road, be and the same is hereby extended until the year one thousand eight hundred and fifty.

SEC. 2. That William M'Cartney, David Barber, Samuel W. Butler, H. N. Fish and William Bardshire, be and they are hereby appointed commissioners to carry into effect the provisions of said act, and so much of the act hereby revived as is inconsistent with the provisions of this act is hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

To divorce Sarah Burch from her husband, Squire Burch.

Whereas, Sarah Burch, of Nile, in the county of Scioto, whose maiden name was Sarah Hall, was, in January one thousand eight hundred and thirty two, married to one Squire Burch, who in a short time after the marriage, forsook her and left her in a state of utter destitution, without any fault of hers; and, whereas, after the expiration of more than three years from the time of his desertion, was publicly married to one Henry Hutton, in said Nile, who has since deceased, leaving property and one child, the issue of the last marriage; and, whereas, it is satisfactorily shown that in the second marriage the said Sarah, and her friends, erroneously, but honestly, understood that the willful absence of her husband for three years discharged her from her marriage contract with him, and that she has at all times sustained a good reputation; and, whereas, it is represented that the heirs at law of said Henry Hutton, are willing that said child shall hold and possess the property left by said Hutton if said child can legally take the name of its father; and, whereas, by the rules of the judicial courts, wisely adopted for their regulation, the said Sarah having entered into a second marriage contract, the first subsisting, has no remedy in the courts; therefore—

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That the marriage contract heretofore existing between said Sarah Burch, and her husband, Squire Burch, is dissolved, and the said Sarah shall hereafter be known by the name of Sarah Hutton.*

SEC. 2. The child of the said Sarah, shall be taken and considered to be the legitimate child of the said Sarah and Henry, and shall have the surname of said Henry Hutton, provided that nothing in this act shall be so construed as in any wise to impair or interfere with the legal rights of the heirs at law of the said Henry Hutton.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 12, 1845.

AN ACT

To amend the act entitled "An act to establish grades, and enforce the paving and McAdamizing of streets, roads, lanes and alleys, in the southern part of Millcreek township, Hamilton county, Ohio," passed March 6, 1844

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That the commissioners, elected under the provisions of the act entitled "an act to establish grades, and enforce the paving and McAdamizing of streets, roads, lanes and alleys, in the southern part of Millcreek township, Hamilton county, Ohio," passed March sixth, A. D., one thousand eight hundred and forty four, shall, from time to time, as they may deem just*

and expedient, cause their clerk to make out partial assessments on any job or jobs of work now under contract, or that may hereafter be put under contract, under the provisions of the act to which this is an amendment, as the work may progress against the owner or owners of land fronting or abutting on said work or improvement, which shall be collected as provided for in said act.

SEC. 2. That all assessments, made under the provisions of this act, or the act to which this act is an amendment, shall operate as the first lien on the lot or land bounding or abutting on the street, road, lane, alley or sidewalk, for which the assessment is made; and no sale or transfer shall, in any way, deprive the commissioners of their lien on such property.

SEC. 3. That all printing required to be done under the provisions of this act, or the act to which this is an amendment, shall be printed in the German as well as the English language.

SEC. 4. That whenever it may become necessary for the commissioners or supervisor, to commence suit for the collection of any assessment, made in accordance with the provisions of this act, or the act to which this act is an amendment, no stay of execution shall be allowed.

SEC. 5. That so much of the act entitled "an act to establish grades, and enforce the paving and McAdamizing of streets, roads, lanes and alleys, in the southern part of Millcreek township, Hamilton county, Ohio," passed March sixth, one thousand eight hundred and forty four, as conflicts with the provisions of this act, be and the same is hereby repealed.

JOHN M. GALLAGHER.

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 11, 1845.

AN ACT

For the relief of William H. Beard, of Muskingum county, Ohio.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the auditor of state be and he is hereby directed to draw his warrant on the treasurer of state, in favor of said William H. Beard, for the sum of four hundred and ninety six dollars and fourteen cents, the balance due him, after deducting the taxes, penalties and interest thereon for forfeited lands purchased by said Beard of said state, on the twelfth day of December, one thousand eight hundred and thirty one, which sum is hereby appropriated for that purpose, to be paid out of any moneys in the state treasury.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 11, 1845.

AN ACT

To repeal the act amending the act incorporating the Cincinnati Savings Institution, passed January 29, 1845.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That the act entitled "an act to amend the act entitled an act to incorporate the Cincinnati Savings Institution," passed January twenty ninth, one thousand eight hundred and forty five, be and the same is hereby repealed, and every portion of the original act which may have been repealed by said amendatory act, is hereby revived and continued in full force, and all elections which may have been held under the provisions of the original act, or the act hereby repealed, shall be, and they are hereby made valid in law.*

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 12, 1845.

AN ACT

To incorporate the London Academy, in the county of Madison.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That Patrick McLane, Richard Cowling, John F. Chenowith, and their associates, and such other persons as may become associated with them, for the purpose of establishing an academy in the town of London, or its vicinity, in Madison county, be and they are hereby created a body corporate and politic, by the name and style of the London Academy, by which name they shall have perpetual succession and power to contract and be contracted with, to sue and be sued, to answer and be answered, in all courts of law and equity, and to acquire, possess, and enjoy, sell, convey, and dispose of, property, real and personal, and to possess all the powers and privileges usually incident to similar corporations, provided that its funds, privileges, and immunities, shall be appropriated exclusively to the purposes of education.*

SEC. 2. That the corporate concerns of said academy shall be managed by a board of trustees, consisting of not more than seven, nor less than three members, one of whom shall be elected president of the board, and any three of whom shall constitute a quorum to do business; they shall be elected by the stockholders on the first Saturday in April, annually, and shall hold their offices for one year, and until their successors are elected and qualified.

SEC. 3. That the first election for officers shall be held on the first Saturday of April next, or at such other time as the present corporators named in this act shall designate, by giving at least ten days notice thereof in some paper printed in said county, of the time and place of such election; but if no notice be given by the said corporators named, the said

election shall be held on the first Saturday in April next, for seven trustees; said election shall be by ballot, each stockholder being entitled to one vote, either in person, or by proxy, for each share by him or her owned; said trustees shall have power to fill all vacancies in their own body, by appointment, and to elect one of their own body president, and the person or persons thus appointed shall continue in office until the next annual election; and if no election shall be made on the day specified in this section, such election may be held on any other day, provided that notice of the time and place of holding such election, signed by three of the stockholders, be posted up in three of the most public places in said town ten days previous to said election.

SEC. 4. The capital stock of said corporation shall consist of shares of ten dollars each, to be subscribed for in the manner the trustees shall prescribe, to be paid in such installments as their bylaws may direct, and shall be transferable on the books of said corporation, in such manner as may be prescribed by the board of trustees, provided that said stock shall not exceed twenty thousand dollars.

SEC. 5. That the board of trustees shall have power to appoint subordinate officers and agents, and establish and enforce all such ordinances, rules, regulations and bylaws as a majority of them shall, from time to time, deem necessary and expedient for the good government and supervision of said academy, its officers and agents, teachers and pupils, and for the management of the property and affairs of said corporation to the best advantage, provided they shall not contravene the constitution and laws of the United States, and of this state.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

To divorce Susan M. Swan from her husband, Mortimer D. Swan.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That the marriage contract existing between Susan M. Swan, of Franklin county, and Mortimer D. Swan, be and the same is hereby dissolved.*

SEC. 2. That the said Susan M. Swan is hereby constituted and appointed the exclusive guardian of William B. Swan, son of the said Mortimer D. Swan and Susan M. Swan, and is to have the entire and exclusive custody and control of the said William B. Swan, to the exclusion of all other persons whomsoever.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 11, 1845.

49—L. L.

AN ACT

To lay out and establish a Free Turnpike Road from Ottawa, in the county of Putnam, to Napoleon, in the county of Henry.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That J. W. Watters and H. S. Godfrey, of the county of Putnam, and J. G. Haly and William Sheffield, of the county of Henry, be and they are hereby appointed commissioners, and Elias Everett, of the county of Putnam, surveyor, to lay out and establish a free turnpike road, beginning at Ottawa, in the county of Putnam, thence to the center of the south line of section four, in township two, north, of range seven, east, in the county of Putnam; thence to Napoleon, in the county of Henry, which shall be constructed, repaired and preserved in the manner pointed out in this act.

SEC. 2. That said commissioners shall have power to appoint superintendents or such other agents as they may deem necessary to carry into effect the provisions of this act; a majority of said commissioners shall be a quorum, having power to transact any business, and exercise any powers devolving upon or intrusted to them by this act; and they shall keep a record of their proceedings, which shall at all times be open for inspection by any person interested, desiring to inspect the same.

SEC. 3. The commissioners shall have power to receive subscriptions and donations in money, or property, real or personal, which shall be applied to the construction of said road; they may make contracts for constructing the same in a solid and durable manner, and for keeping the same in repair; they may open and finish said road in the first instance along such portions of the line thereof as will soonest render the whole line thereof available for travel and transportation; and they shall have power to purchase and procure all the necessary implements and fixtures to preserve said road in repair.

SEC. 4. That said commissioners shall meet on the first Monday of May next, or within sixty days thereafter, and organize by choosing one of their number president of said board, and one other secretary; and they shall then take measures to view, locate and establish said road, and of all such locations they shall file a copy with the auditor of each of the counties through which said road may pass.

SEC. 5. The taxes levied for road purposes on all property within two miles of said road, on each side thereof, shall be applied to the construction and repair thereof; and all persons owing such taxes, who may wish to discharge the same by labor, shall apply such labor under the direction of said commissioners, or their agents appointed for that purpose.

SEC. 6. So much of the taxes appropriated by this act, as shall be paid into the county treasury, shall be computed by the county auditors, and paid over on the order of said auditors, which shall be issued on the presentation of the certificate of the officers of said board, certifying that labor to the amount thereof has been performed on said road; and all taxes so computed shall be expended on said road by said commissioners.

SEC. 7. It shall be the duty of the respective county auditors, in computing the portion of road tax that may have accrued within the aforesaid limits on each side of said road, to embrace the whole of any tract of land, not

exceeding eighty acres, of which at least one half shall be within said limits; and for all duties performed by them under this act they shall be allowed the same fees allowed by law for similar services in other cases, to be audited by the county commissioners, and paid out of the county fund.

SEC. 8. The commissioners shall have power to receive donations of land to aid in the construction of said road, and to sell and convey the same in fee simple; they may take releases of the right of way, and they shall expend the money in their hands only on such parts of said road as shall have been permanently located and established.

SEC. 9. The said commissioners and their successors shall be a corporation by the name and style of the Sugar Ridge Free Turnpike Road, for the purpose of carrying into effect the provisions of this act; and it shall be their duty to prosecute for all obstructions to said road, or for injuries done to the same, or the bridges thereon, and the form of such prosecution shall be in the action of debt, and the amount recoverable in each case shall be the amount of damages actually found by the court or jury, with ten per centum thereon; and in all cases the said commissioners shall have a right to sue, either before a justice of the peace, where the damages demanded are under one hundred dollars, or in the court of common pleas of the proper county, where the damages demanded are over one hundred dollars, which suits shall be appealable as in other cases, and the amount so collected in each case shall be for the benefit of said road, and shall be paid over as provided in section six.

SEC. 10. That said commissioners shall, annually, in the month of February, make a full settlement of their receipts and expenditures, under this act, and deposit a copy thereof in the auditor's office of each county through which said road may pass.

SEC. 11. The supervisor of any road district through which said road may pass shall be and hereby is authorized to appropriate any portion of the two days labor within his district, which he may deem expedient, to the construction, preservation and repair of said road, and the same shall be applied under the direction of said trustees or their agents.

SEC. 12. The commissioners of said road shall be allowed their reasonable expenses when engaged in the business of said road, and no more; and when any vacancy shall happen in said board, by death, resignation, or otherwise, the commissioners of the county, on being notified thereof, shall fill the same as often as it may occur.

SEC. 13. The expenses of surveying and location, and other expenses incidental to the construction, preservation, superintendence and repair of said road, shall be paid out of the funds appropriated by this act to the construction, preservation and repair of the same.

SEC. 14. All claims for damages arising out of the location of said road, shall be settled in the manner prescribed by the act for opening and regulating roads and highways, and all damages assessed for injury to property, shall be paid out of the county treasury, if, in the opinion of the county commissioners, the benefit resulting from the establishment of said road will not be equal to the amount of damages assessed.

SEC. 15. That nothing in this act shall be so construed as to allow the commissioners, named in this act, more than seventy five cents per day while

actually employed in laying out or improving said road, nor more than seventy five cents to any agent in their service.

Sec. 16. The county commissioners of the different counties through which said road may pass, may remove any or all of said commissioners or their successors, when those interested in said road may require it.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

To provide for the preservation and repair of the road from Columbus to Sandusky City.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the road from Columbus to Sandusky City, known as the Columbus and Sandusky Turnpike Road, be and the same is hereby declared a public state road; and the county commissioners of each county, respectively, through, or within which said road passes, are hereby authorized to take such measures as they may deem proper, with money or tax levied, in their respective counties, for road purposes, to cause said road to be repaired in a reasonable manner; and, further, that the supervisors of the several road districts upon the route of said road shall apply, as they may deem proper, a portion of the work under their charge, to this purpose.

Sec. 2. That whenever any company now incorporated, or hereafter to be incorporated, for the purpose of constructing a plank road, McAdamized road, or other permanent road from Columbus to Sandusky City, shall actually proceed to carry their said improvements into operation, then the provisions of this act shall be null and void, so far as it respects that portion of the said road which the company aforesaid may take possession of, in pursuance of the provisions of their charter.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

To incorporate the Linton Library Association, of the county of Coshocton.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That John V. Heslip, Jacob Waggoner, Reasin L. Baker, John M. Johnson, John H. Harbison, H. P. Anderson, Florence House, Stephen Ives, Thomas Platt, John B. Buker, James R. Johnson and James Teinner, and their associates and successors, be and they are hereby created a body corporate and politic, by the name and style of the Linton Library Association, of the county of Coshocton, and, as such, shall be entitled to all the rights, privileges and immunities granted by and subject to all the restrictions contained in an act regulating incorporated literary societies, passed March seventh, one thousand eight hundred and thirty nine.

SEC. 2. That the incorporators, or a majority of them, shall give ten days previous notice, by posting up written or printed advertisements, in three of the most public places in the township of Linton, in the county of Coshocton, of their first meeting under the provisions of this act.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

To lay out and establish a State Road in the counties of Hardin, Logan and Shelby.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Jonathan Cessna, and John Moor, of the county of Hardin, and William Carter, of Logan county, and the county surveyor of Shelby county, be and they are hereby appointed commissioners to lay out and establish a state road, commencing at Kenton, in the county of Hardin, thence to Clement Rice's, thence to Richland, in the county of Logan, thence to Cherokee, thence to intersect the free turnpike road leading from Bellefontaine, in Logan county, to Port Jefferson, in Shelby county, at Logansville, in Logan county.

SEC. 2. That the commissioners aforesaid shall be governed in all respects by the law now in force, establishing state roads, passed March fourteenth, one thousand eight hundred and thirty one, and the acts amendatory thereto.

SEC. 3. That should any vacancy occur in any of the foregoing appointments, by death or otherwise, the county commissioners of Paulding county, on being notified thereof, shall forthwith fill the same.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

To incorporate the Princeton, Trenton and Miltonville Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That* William Weaver, Thomas G. Berry, Benj. Debolt, M. Hughes, C. Murphy, R. W. McClelland and Benj. Vangorden, of the county of Butler, and John M. Cochran and Aaron Brown, of the county of Hamilton, and their associates, be and they are hereby created a body corporate, under the name of the Princeton, Trenton and Miltonville Turnpike Road Company, for the purpose of constructing a turnpike road, beginning at the Eleven Mile House on the Hamilton and Springfield Turnpike Road, in Hamilton county; thence northwardly on the best route by the house of M. C. McMaken, in Butler county, to the town of Princeton; thence on the best route to Gregory's Ford, on the Great Miami river; thence across said river to Trenton; thence to Miltonville; thence to the farm of Samuel Snyder, in Madison township, Butler county; which company shall have all the rights, privileges and powers, and be subject to all the restrictions defined in the act to provide for the regulation of turnpike companies, passed January seventh, one thousand eight hundred and seventeen, and the several acts amendatory thereto, except in so far as the same may be modified or changed by the special provisions of this act.

SEC. 2. The capital stock of said company may be one hundred thousand dollars, divided into shares of twenty five dollars each.

SEC. 3. That the above named commissioners shall meet at Princeton, at such time as they shall think fit, and proceed to organize the said company, and to take order for the opening of books for the subscription of stock, agreeably to the second section of the said act, to provide for the regulation of turnpike companies.

SEC. 4. That as soon as two hundred shares shall be subscribed, the above named commissioners shall call a meeting of the stockholders in the manner prescribed by the third section of the said act, to provide for the regulation of turnpike companies, and for the election of five directors for the government of said company.

SEC. 5. That said company be and they are hereby authorized to demand and receive from persons traveling said road, the following tolls for every ten miles travel on said road, and in the same proportion for a less distance, to wit:

For every four wheeled carriage, drawn by two horses or oxen, twenty five cents; for every horse or ox in addition, five cents;

For every sled or sleigh, drawn by two horses or oxen, ten cents; for every horse or ox in addition, five cents;

For every horse and rider, six and one fourth cents;

For every horse, mule or ass, six months old or upwards, led or driven, three cents;

For every head of neat cattle, six months old or upwards, one cent;

For every head of sheep or hogs, one half cent;

For every four wheeled pleasure carriage, drawn by two horses, thirty cents; for every horse in addition, five cents;

For every two wheeled pleasure carriage, drawn by one horse, ten cents;

For every four wheeled pleasure carriage, drawn by one horse, twenty cents; for every cart drawn by one horse or two oxen, ten cents; for every horse or ox in addition, five cents;

SEC. 6. That, whenever five continuous miles of said road are completed, according to the provisions of the said act for the regulation of turnpike companies, the aforesaid company may erect a gate and receive tolls from persons traveling said road, at the above specified rates; provided that such persons shall be exempt from paying tolls as are exempted in the eleventh section of the aforesaid act for the regulation of turnpike companies, saving only persons conveying public mails of the United States, which last mentioned persons shall not pass free as in the said act provided.

SEC. 7. That said company, and the corporators thereof, shall be subject to the provisions of all acts now in force, or which may be hereafter enacted, for the purpose of governing and regulating turnpike companies, generally, in this state, and also an act instituting proceedings against corporations not possessing banking powers, and the visitorial powers of courts, and to provide for the regulation of corporations generally, passed March seventeenth, one thousand eight hundred and forty two.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

Further to amend the act incorporating the Hamilton and Rossville Hydraulic Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the stockholders of the Hamilton and Rossville Hydraulic Company, shall, at their next annual meeting, or at a general meeting of the stockholders, to be called for that purpose by the directors of said company, at such time and place as they may designate, by giving twenty days notice thereof, in one or more newspapers, published in Hamilton, have power, and are authorized to reduce the number of directors of said company to five, or to such number, not less than five, as such stockholders may at such meeting determine.

SEC. 2. That so much of the first and third sections of said act, passed March twenty fifth, one thousand eight hundred and forty one, as limits the duration of said company to thirty years, and restrains said company from making permanent leases, are hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

To amend the act entitled "An act to incorporate the town of New Philadelphia," passed February 12, 1833.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the town council of New Philadelphia, be and they are hereby authorized and empowered to levy and collect an annual tax, in addition to the tax which said council is at present authorized to levy and collect, for the purpose of paving the sidewalks of said town, provided that said tax shall be levied only upon the real estate within the corporate limits of said town, and that said levy shall be made in the same proportion upon the assessed value of the lots of said town, as is made for state and county purposes; provided, also, that said tax shall not, in any one year, exceed the amount of twenty dollars on any lot in said town; and that said tax shall, in no case, except as provided in the second section of this act, be levied and collected as aforesaid, without the consent of two thirds of the holders of real estate situated in said town; and that the property of persons having pavements annexed, pursuant to the ordinances of said town, shall not be subject to said tax.

SEC. 2. That the lots located on any street in said town may be liable to the assessment of an annual tax, according to the provisions of this act, for the purpose of paving the sidewalks of said street, provided that the consent of two thirds of the holders of real property, resident on such street, shall be first obtained.

SEC. 3. That the said tax, levied as heretofore provided, shall be collected in pursuance of the provisions of the act to which this is an amendment; and all property, subject to such tax as aforesaid, shall be liable to be sold therefor, pursuant to the provisions of the act to which this is an amendment.

SEC. 4. That the electors of the said town of New Philadelphia, having the qualifications required by the act of incorporation of said town, to entitle them to vote for officers of said town, shall, at their first annual election for president, recorder, treasurer, trustees, and town marshal, to be held on the first Monday of May next, write, or have printed, on their ballots, the words "amendment," or "no amendment;" and if the word amendment is found to be written or printed on a majority of the ballots cast at such election, then this act shall be in force from and after the day of such election; but if the words no amendment be found on a majority of the ballots cast at such election then this act shall be null and void.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 12, 1845.

AN ACT

To authorize the city of Cincinnati to erect a House of Correction.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That the city council of the city of Cincinnati shall be and are hereby authorized to erect one or more buildings, for the following institutions: first, a House of Correction, for the confinement and punishment of such males over sixteen, and females over fourteen years of age, as are hereinafter described; second, a House of Refuge, for the confinement and reform of such males under sixteen, and females under fourteen years of age, as are hereinafter described:*

HOUSE OF CORRECTION.

SEC. 2. That all males over sixteen, and females over fourteen years of age, who shall be, under laws now existing, or any which may be hereafter enacted, liable to confinement in the county jail of Hamilton county, in consequence of the sentence of any court or magistrate of said county, or of the city of Cincinnati, or committed for trial, or as witnesses for any cause, may, at the discretion of said court or magistrate giving such sentence or making such committal, be confined in said house of correction, there to be kept at work, or otherwise dealt with, according to the regulations hereinafter provided for; provided that all prisoners committed to said house, by any court for the county of Hamilton, shall be paid for by the county, according to the rates fixed in the regulations provided for said house.

HOUSE OF REFORMATION.

SEC. 3. That any male under sixteen, and female under fourteen years of age, who shall, under existing laws, or those hereafter enacted, be liable to confinement in the county jail of the county of Hamilton, or in the penitentiary of the state of Ohio, may, at the discretion of the court or magistrate giving sentence, be placed in said house of reformation; and, when so placed, shall be, until of legal age, under the exclusive control of the directors of said house, according to the regulations hereinafter provided for, and may by them be apprenticed in the usual manner, or, with the written consent of the court or magistrate that gave sentence in the case, discharged; provided that, in all cases of commitment to said house of reformation by a justice of the peace, an appeal shall lie to the court of common pleas of Hamilton county.

SEC. 4. That all males under sixteen, and females under fourteen years of age, who may be accused of any crime or misdemeanor punishable by imprisonment, shall be entitled to a private examination and trial, to which only the parties to the case shall be admitted, unless one of the parents, the guardian, or their legal representative, demand a public trial, in which case all proceedings shall be in the usual form.

SEC. 5. That all males under sixteen, and females under fourteen, who may be committed in the county of Hamilton, and city of Cincinnati, for trial, shall be placed in said house of reformation, and, in no case, in the county jail.

SEC. 6. That the directors of said house be authorized to receive all males under sixteen, and females under fourteen, when parents or guardians, or the township trustees of the townships of Cincinnati, Fulton, Storrs and Millcreek, in the county of Hamilton, in cases where they would be authorized to apprentice such minors, shall represent them as proper subjects for said house; and in all such cases, when received, said minors shall be under the entire control of the directors of said house until of legal age; provided that any inmate of said house of reformation, whether received upon the application of any parent, guardian or township trustee, or in consequence of the sentence of any court or magistrate, may be discharged at any time, upon the order of the directors of said house.

SEC. 7. That the common council of the city of Cincinnati shall be and they are hereby authorized to levy a tax or taxes for the building and support of said houses of correction and reformation, and also receive subscriptions, either annual or otherwise, to be used for said purposes; and the city of Cincinnati, alone, shall be liable for the debts of either of said houses, but no tax shall ever be levied upon them for any state or county purpose.

SEC. 8. That the expenses of any minor, committed by a court or magistrate of the county, shall be paid by said county; those of minors, committed by township trustees, shall be paid by said township; and those committed by parents or guardians, shall be paid by them, unless in cases where the directors shall otherwise determine; such expenses being according to rates fixed in the regulations hereinafter provided for.

SEC. 9. That said houses of correction and reformation, whether united in one building or not, shall be under the control of the board of directors, consisting of nine members, three appointed by the city council of the city of Cincinnati, three by the court of common pleas for Hamilton county, and three by a meeting, advertised in three of the daily papers of Cincinnati, during six days previous to the time of meeting, composed of the individuals who may contribute toward the building and support of the house of reformation, either fifty dollars for life membership, or five dollars yearly; provided, first, that notice of such meeting shall be given by the common council of the city of Cincinnati; second, that said contributors shall not be fewer than one hundred, and that, until that number be obtained, the city of Cincinnati shall not be authorized to proceed in the building of said houses of correction and reformation.

SEC. 10. That the said directors shall hold their offices for three years, and shall have full power to make contracts, and to make, establish and enforce regulations for the government and control of the said houses of correction and reformation, and their inmates; provided that said regulations shall not be in force until approved by the president judge of the court of common pleas for Hamilton county, the judge of the superior court of Cincinnati, and the mayor of the city of Cincinnati. They shall make a yearly report to the legislature of the state of Ohio, and to the common council of the city of Cincinnati, of the fiscal affairs, the management, condition and influence of the two institutions under their charge, together with the statistics of each; they shall keep the accounts of each entirely by themselves, and see that the inmates of the two have no connection; and any two of them may require the issuing of the necessary process for retaking any fugitive from either institution; and, severally, they may do whatever the

interest of either institution may require, provided it conflicts with no existing law of the state of Ohio, or ordinance of the city of Cincinnati. A majority of said board shall be a quorum, and they shall have power to choose a chairman, and employ such clerks and officers as are needful, and to fix their salaries; vacancies which may happen by death, resignation or otherwise, in said board, shall be filled by the remaining members; and in case the city or subscribers fail to fill any places vacated by the close of the term of appointment, within one month thereafter, such vacancy also shall be filled by the board.

Sec. 11. That the common council of the city of Cincinnati, by a committee, the mayor of said city, the president judge of the court of common pleas of Hamilton county, the judge of the superior court of Cincinnati, the judges of the supreme court of Ohio, and the grand jury of the county, may visit and inspect either of said houses at any time, and examine the books and accounts of the same.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

For the relief of Robert W. Mitchell.

Whereas, in October, A. D., one thousand eight hundred and forty two, the dwelling house of Robert W. Mitchell, of Richland county, was burnt by fire, through unavoidable accident, by means whereof seven United States rifles, with their accoutrements, were destroyed; and, whereas, said Robert W. Mitchell, Joshua Sillik, and Charles Jolly, as officers of the fourth company, first rifle battalion, first brigade, eleventh division, Ohio militia, had executed a bond, in due form, for a quantity of public arms, including said rifles so destroyed, as aforesaid, to the state of Ohio; therefore,

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio, That the said Robert W. Mitchell, Joshua Sillik, and Charles Jolly, are hereby discharged from their liability on their said bond, as to the said seven rifles and accoutrements, destroyed as aforesaid, and the quartermaster general is hereby authorized to credit said eleventh division of the Ohio militia, with said seven United States rifles and their accoutrements, destroyed by unavoidable accident.*

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

To authorize the counties of Pickaway and Franklin to build a bridge across Big Walnut Creek.

Whereas, it is proposed to build a bridge across Big Walnut Creek, upon the road leading from Columbus, in Franklin county, to Circleville, in Pickaway county; and, whereas, it is not satisfactorily ascertained whether the proper location of said bridge will be within the county of Franklin, or in the county of Pickaway; therefore,

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of the counties of Pickaway and Franklin are hereby authorized to appropriate, out of moneys in the treasuries of their respective counties, such sum or sums as they may deem necessary and proper to construct a bridge across Big Walnut Creek, on the road leading from Columbus, in Franklin county, to Circleville, in Pickaway county, which said bridge shall be located at such point upon said Big Walnut Creek, as the said commissioners of the respective counties, as aforesaid, may determine, and the said commissioners are authorized further to make such change in the location of the said road as may be necessary to enable them to fix upon the best, safest, and most economical site for the construction of the bridge herein provided for.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS.
Speaker of the Senate.

March 12, 1845.

AN ACT

To incorporate Wayne Lodge, No. 10, of the Independent Order of Odd Fellows, at Dayton, Ohio.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That James Greer, Joseph McCammon, J. Kinney, David S. Raymond, Elias Favorite, and their associates, members of Wayne Lodge, Number Ten, of the Independent Order of Odd Fellows, at Dayton, Ohio, and their successors, be and they are hereby created a body corporate and politic, for the term of thirty years in succession, by the name and style of Wayne Lodge, Number Ten, of the Independent Order of Odd Fellows, of Ohio, for the purpose of more effectually relieving the members and their families afflicted with sickness or disease, or who may be in distressed circumstances, and, by that name, shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, defend and be defended, in all courts and places, and in all matters whatever, with full power and lawful authority to acquire, hold, use, occupy and enjoy, by purchase, gift, grant, lease or devise, any property, not exceeding ten thousand dollars in value, in the city of Dayton, aforesaid, that may be necessary for carrying on the objects of said corporation, and the same to sell, convey, improve,

or in any manner dispose of; to make, have and use a common seal, and the same to alter, break or renew at pleasure; to appoint such officers as they may deem necessary, to prescribe the general duties, and require of them such securities as they may deem proper to secure the faithful performance of their duties.

SEC. 2. That said corporation shall have power and authority to make, ordain, establish and put in execution such bylaws, rules and regulations, not inconsistent with the constitution and the laws of the United States and of this state, as shall be necessary for the good government of said society or corporation, and the prudent and official management of its interests and concerns, provided that, in no case, shall any member be allowed more than one vote on the same question; provided, also, that said corporation shall not, in any wise, engage in the business of banking, insuring property, or do any other thing inconsistent with the provisions of this act.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

To authorize the Trustees of original surveyed township five, in range four, of the county of Belmont, to lease a part of section sixteen, in said township.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of original surveyed township five, range four, in the county of Belmont, be and they are hereby authorized to let and lease not exceeding one acre, of section sixteen, in such township, to the directors of the school district, in which such section is situated, for any term not exceeding ninety nine years, for an annual rent of not less than one dollar, and as a site for a schoolhouse in and for said district, and to be used by such district for no other use or purpose, which lease shall be executed and authenticated according to the provisions of an act to provide for the proof, acknowledgment, and recording of deeds, and other instruments of writing, passed February twenty second, one thousand eight hundred and thirty one, and recorded by the clerk of said township, which lease shall be made, acknowledged and recorded at the proper costs and charges of said district.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

For the relief of the Mount Pleasant Boarding School.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio, That the amount paid to the county treasurer of Jefferson county, in the years one thousand eight hundred and forty one, one thousand eight hundred and forty two, and one thousand eight hundred and forty three, by the trustees of the Mount Pleasant Boarding School, as a tax levied upon the property of said school, being one hundred and ninety three dollars eighty one cents, be refunded to the trustees of said school, for the use of such school, to be paid out of the treasury of the said county of Jefferson, upon the order of the auditor of said county; and the treasurer of the said county of Jefferson shall have credit on his first settlement with the treasurer of state, after paying the same for the proportion of such one hundred and ninety three dollars and eighty one cents, as has been paid into the treasury of state.*

JOHN M. GALLAGHER.

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 12, 1845.

AN ACT

To incorporate the Mansfield Cemetery Association, of Richland county.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio, That Charles T. Sherman, William Bushnell, Joseph Newman, John Y. Glessner, Elijah W. Lake and Robert Bowland, and their associates and successors, be and they are hereby constituted a body corporate, under the name of the Mansfield Cemetery Association, by which name they shall have power to contract and be contracted with, sue and be sued, have and use a corporate seal, make and alter bylaws, and do all other acts and things necessary and proper for effecting the object of their incorporation, which is to provide a place of repose for the dead.*

Sec. 2. Any person may become a member of this corporation, under such rules and regulations as the corporators may, from time to time, establish; but no member shall have more than one vote.

Sec. 3. The affairs of this corporation shall be managed by a board of directors, consisting of five members of the corporation, to be elected by ballot, by the corporators, and to receive a majority of the votes; the first election shall be held at a time and place to be designated by the persons above specifically named as corporators, who shall be commissioners for organizing the corporation, of which election the same notice shall be given as is herein provided for other elections; and the directors shall hold their offices for the term of one year, and until their successors are elected and qualified; and all vacancies previously existing shall be supplied by

the board of directors; and a quorum of the board for all purposes, shall be at least three persons.

SEC. 4. The annual meeting for the election of directors shall be held on the first Monday of October in each year; but special meetings may be called by the president, at the request, in writing, of two members, of which, as well as of the annual meetings, three days notice shall be given.

SEC. 5. The board of directors shall, at their first meeting after each annual election, elect by ballot a president, from their own body, and two persons from the members of the corporation, to act as secretary and treasurer. These officers shall hold their offices for one year, and until their successors shall be appointed and qualified; and the treasurer shall give bond, with surety, to be approved by the board, in such sum as the bylaws shall direct, for the faithful performance of his duties.

SEC. 6. This corporation is authorized to purchase, or take by gift, or devise, and hold land exempt from execution and taxation, and from any appropriation to public purposes, for the sole purpose of a cemetery, not exceeding twenty acres. After paying for such land, all future receipts, whether from the sale of lots, from donations, or otherwise, shall be applied exclusively under the direction of the board, to laying out, preserving, protecting and embellishing the cemetery, and the avenues leading thereto, and to paying the necessary expenses of the corporation. No debts shall be contracted in anticipation of future receipts, except for originally laying out, inclosing, and embellishing the grounds and avenues, for which a debt, or debts, may be contracted, not exceeding one thousand dollars in the whole, to be paid out of future receipts; and the board of directors shall have power to appropriate lots for the interment of such meritorious persons, not members, as they may see proper, either by donations, sales, or other modes of transfer.

SEC. 7. The original conveyance of lots from the corporation to individuals, shall be evidenced by a certificate, signed by the president, and countersigned by the secretary, under the seal of the corporation, specifying that such a person is owner of such a lot, and such a certificate shall vest in the proprietor, his heirs and assigns, a perpetual right to the use of such lot, exempt from execution, attachment or taxation, for the sole purpose of interment, under the regulations of the corporation, or to be transferred by him to others, either in whole or in part, for that sole purpose, with the assent of the board; and in case of such transfer, from a member or members, to another person, it shall be made in writing, on a book of the corporation, to be kept for that purpose, whereupon the former certificate shall be surrendered, and a new one issued to the transferee for the whole or part thereof, as the case may require.

SEC. 8. For the purpose of convenient selection and description, the board of directors shall cause a plat to be made of the lots to be disposed of for interment, designating such lots by consecutive numbers, which plat shall be recorded on the books of the corporation; the original choice of lots between those who shall have subscribed and paid for them, prior to the time of making the selection, shall be determined by lot in such manner as the board of directors shall prescribe; and after the original selection shall have been thus determined, future purchasers may select from the lots not previously appropriated.

SEC. 9. The board of directors shall have power to inclose, improve, and adorn the grounds and avenues, and to erect buildings for the general use of the corporation, and to prescribe rules for the inclosing, adorning and erecting monuments in the cemetery lots, and to prohibit any use, division, improvement, or adornment of a lot, which they may deem improper; and they shall make report of their doings to each annual meeting of the corporation.

SEC. 10. Any person who shall willfully destroy, mutilate, deface, injure or remove any tomb, monument or gravestone, or other structure placed in the cemetery, aforesaid, or any fence, railing, or other work for the protection or ornament of the said cemetery, or of any tomb, monument or gravestone, or other structure, aforesaid, or of any cemetery lot within the cemetery, aforesaid, or shall willfully destroy, cut, break, or injure any tree, shrub or plant, within the limits of the said cemetery, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, before any court of competent jurisdiction, be punished by a fine of not less than five dollars, nor more than five hundred dollars, and by imprisonment in the county jail, for a term of not less than one, nor more than thirty days, according to the nature and aggravation of the offence, and such offender shall also be liable in an action of trespass, in the name of the said corporation, to pay all such damage as have been occasioned by his unlawful act, or acts; which money, when recovered, shall be applied by the said corporation, under the direction of the board of directors, to the reparation and restoration of the property destroyed or injured as above; and members of said corporation shall be competent witnesses in said suits.

SEC. 11. This act shall be regarded as a public act, and shall take effect from its passage.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

For the relief of Mathew Nichol.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of public works be and they are hereby required to cause to be paid to Mathew Nichol, of Belmont county, out of the national road fund, the sum of one hundred and fifteen dollars and eighty three cents.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

To revive and amend the act entitled "An act to incorporate the Cleveland and Pittsburg Railroad Company," passed March 14, 1836.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the act entitled "an act to incorporate the Cleveland and Pittsburg Railroad Company," passed March fourteenth, one thousand eight hundred and thirty six, be and the same is hereby revived, except so far as the same shall be inconsistent with the provisions of this act; and that John S. Blakely, James Farmer, James Stewart, George McCook, Joshua A. Dawson, Albert G. Catlett, Zadock Street, and John Dellenbach, of Columbiana county; John W. Allen, Charles Bradburn, Irad Kelley, Samuel Starkweather, Philo Scovill, Thomas Bolton and Samuel Williamson, of Cuyahoga county; Cyrus Prentis, Robert F. Paine, Plimmon C. Bennett, William R. Henry, of Portage county; William McCullough, of Jefferson county; Sylvester Thompson and Birdsey Booth, of Summit county; are hereby appointed commissioners, instead of those named in the above recited act, and the said commissioners hereby appointed, or a majority of them, are hereby authorized to proceed, after having given thirty days notice in one newspaper printed in each of the above named counties, to cause books to be opened for the purpose of receiving subscriptions to the capital stock of said company in the manner provided for in the above recited act, by which they shall, in all respects, be governed, except so far as the same may be inconsistent with this act.

SEC. 2. The railroad, mentioned in the above recited act, shall commence at a convenient place in the city of Cleveland, in the county of Cuyahoga, and thence on the most direct, practicable and least expensive route to the Ohio river, at the most suitable point; and if the said railroad shall not be commenced in five years from the passage of this act, and if said railroad shall not be completed within twelve years from the commencement thereof, then this act shall be null and void; provided that said company may unite said railroad, by them constructed, at some point southeasterly of the city of Cleveland, with any other railroad, authorized by law, which may be constructed on the easterly side of the Cuyahoga river, leading to Cleveland, and to make such arrangements as to the division of labor and earnings as the directors of the companies owning such united railroads may deem equitable.

SEC. 3. That it shall be lawful for said corporation to commence the construction of said railroad or way, and enjoy all the powers and privileges conferred by this act, and the act hereby revived, as soon as the sum of fifty thousand dollars shall be subscribed to said stock, and the payment thereof considered safe and secure.

SEC. 4. That in obtaining the right of way, and procuring materials for the construction and repair of said road or way, the said corporation shall, in all respects, be governed by the act entitled "an act to amend the act entitled an act for the regulation of turnpike companies," passed March eleventh, one thousand eight hundred and forty three, and all claims for damages as aforesaid, shall be settled and adjusted according to the provisions of said act.

SEC. 5. The said company shall have power to demand and receive for the transportation of persons and property over said road, or any portion thereof, the following rates of fare and tolls: For each person not more than four cents per mile; and for each ton weight of property, not more than eight cents per mile, and in the same proportion for a greater or less distance or weight.

SEC. 6. The said company, by its proper officer, duly authorized by the directors, is hereby authorized and empowered to mortgage, hypothecate or pledge, all or any part of said railroad, or of any other real or personal property belonging to said company, or of any portion of the tolls and revenues of said company which may thereafter accrue, for the purpose of raising money to construct said railroad or to pay debts incurred in the construction thereof.

SEC. 7. That so much of the act hereby revived and amended as is inconsistent with the provisions of this act is hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 11, 1845.

AN ACT

For the relief of the sureties of William Dawson, as Treasurer of Williams county.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of the county of Williams are hereby authorized and empowered to make any compromise, such as they shall deem reasonable and just, with the sureties of William Dawson, late treasurer of said county of Williams, and, in their discretion, to discharge said sureties from any liabilities which they may be under to the county, in consequence of having become surety for said William Dawson; provided that nothing in this act shall be so construed as to release said county of Williams from liability to the state, its proportion of state and canal tax, nor to authorize said commissioners to discharge said sureties from any liabilities to pay the proportion of money due from said treasurer to the state, for state and canal purposes.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

To amend the charter of the Hamilton, Rossville, Darrrtown, Oxford and Fairhaven Turnpike Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That the provision of the charter of the Hamilton, Rossville, Darrrtown, Oxford and Fairhaven Turnpike Company, which exempts persons, stages and vehicles, carrying the United States mail, from the payment of tolls, is hereby repealed.*

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 11, 1845.

AN ACT

To authorize the city of Cleveland to subscribe to stock in a Plank Road from Cleveland to Wooster.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That the city of Cleveland is hereby authorized to subscribe any sum, not exceeding fifty thousand dollars, to the capital stock of any one company incorporated to build a plank road from Cleveland to Wooster, Wayne county, Ohio; provided that no such subscription shall be made until an amount of stock shall first have been subscribed, sufficient, with the subscription hereby authorized, to build and complete said road.*

SEC. 2. That for the purpose of paying such subscription the said city council may cause to be issued to such plank road company the bonds of said city, to the amount of such subscription, which bonds shall be at an interest of not exceeding seven per centum, payable semiannually at such place as said city council shall prescribe, and the principal thereof be payable after the year one thousand eight hundred and fifty five; provided that not exceeding five thousand dollars of the principal of said bonds shall be made payable in any one year.

SEC. 3. That the said city council shall cause to be deposited with the auditor of Cuyahoga county a pertinent register or description of the bonds issued under authority of this act, showing the amount issued, the rate of interest, and time of maturity of said bonds; and it shall be the duty of said auditor, annually, during the continuance of any portion of the debt hereby authorized, to assess upon the property of said city, subject to taxation for state and county purposes, such a sum, as near as may be, as will pay the interest on said bonds, which sum or tax shall be placed upon the duplicate of said county, and collected in the same manner as state and county taxes are collected; and the said tax shall be appropriated by said city council exclusively to the payment of interest on said bonds.

SEC. 4. That all dividends on the stock of said city in such plank road, shall, until the extinguishment of the bonds aforesaid, be exclusively ap-

propriated as a sinking fund for the redemption of the principal of said bonds, and the said city council shall cause said dividends to be invested in evidences of the public debt of the state of Ohio, or in the bonds hereby authorized to be issued, and shall also report, annually, to the auditor of said county, the amount of such sinking fund.

Sec. 5. That it shall be the duty of the auditor of said county, one year previous to the maturity of any of the bonds of said city, authorized by this act, to assess upon the property of said city, taxable as aforesaid, such a sum or tax as (when added to the proportion of the sinking fund aforesaid, which may be applicable by a pro rata division of the same, to the payment of the bonds so maturing) will produce such a sum as will meet the payment of said bonds; and the said tax shall be collected as directed in the third section of this act, and the same shall be exclusively applied by said city council to the payment of the bonds so maturing.

Sec. 6. That before any subscriptions shall be made to the stock of any company by said city council, it shall be the duty of the mayor and city council of said city to provide, by ordinance, for taking the opinion of the legal voters of said city, by ballot, upon such subscription, and no such subscription shall be made unless a majority of such voters balloting, shall be in favor thereof; provided that at least twenty days public notice shall be given of the time of meeting, to ballot, and the object thereof; and, provided further, that no such subscription shall be made after the expiration of one year from the passage of this act unless the legal voters of said city shall again, in the same manner, and on the same notice, approve such subscription.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 12, 1845.

AN ACT

To attach certain territory to the city of Columbus, for school purposes.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio, That so much of the territory of Montgomery township, adjacent to the corporate limits of the city of Columbus, as was attached to the school district of said city, previous to the passage of an act for the better regulation of common schools in the city of Columbus, passed January seventh, one thousand eight hundred and forty five, may, by the trustees of the said township of Montgomery, be set off into a separate school district, or be attached to any other school district, as they may deem expedient and proper.*

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 12, 1845.

AN ACT

To revive the act entitled "An act to incorporate the Cleveland, Columbus and Cincinnati Railroad Company."

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the act entitled "an act to incorporate the Cleveland, Columbus and Cincinnati Railroad Company," be and the same is hereby revived, except as hereinafter provided.

SEC. 2. The following persons shall be commissioners to open books and receive subscriptions to the capital stock of said company, instead of the persons named in the first section of said act, to wit: John W. Allen, Philo Scoville, Richard Hilliard, Irad Kelley, Truman P. Handy, and Horatio N. Ward, of Cuyahoga county; Newton Gunn, Stephen N. Sargent, Henry Hosmer, and David King, of Medina county; John P. Reznor, William S. Granger, Charles R. Deming, James Purdy, Charles Sherman, A. G. Miller, and John Adams, of Richland county; John Schenck, Aaron N. Tallmadge, and Samuel Peasely, of Marion county; Caleb Howard, Sherman Finch, Hosea Williams, Benjamin Powers, Hiram Adams, and Otho Hinton, of Delaware county; and Lyne Starling, jun., Joseph Ridgway, Samuel Medary, Robert Neil, L. Goodale, Demas Adams, John W. Andrews, William Dennison, jun., and Orange Johnson, of Franklin county, who, or any six of whom, shall cause books to be opened for subscription to the capital stock at such times and places, and under the direction of such persons as they shall designate; and the said commissioners, or any five of them, shall be, and hereby are, authorized to organize said company according to the requirements of the third section of the act hereby revived, provided that the stockholders of said company may proceed to elect directors, and organize said company, as soon as fifty thousand dollars shall have been subscribed; and said company are hereby released from any implied requirement in the act hereby revived, to subscribe the whole amount of three millions of dollars, named in said act.

SEC. 3. The said company shall commence their railroad at some convenient point at or near the city of Cleveland, in the county of Cuyahoga, and to locate and construct the same on the most convenient route, leading towards Columbus, in Franklin county; provided, however, that said company may unite said railroad with any other railroad which now is, or hereafter may be, authorized by the general assembly to be constructed, leading from any point at or near Lake Erie, to or towards the southern part of the state; and, further provided, that the said company shall not be required to construct the said railroad for the whole distance named in the act hereby revived, unless, in the judgment of the directors, the interests of the said company may so require.

SEC. 4. The subscribers to the capital stock of said company shall pay for the amount of stock subscribed by them severally, in such installments, and at such times, as the directors shall determine, of which public notice shall previously be given, by advertisement, for at least thirty days, in some newspaper in general circulation, in each of the counties where books of subscriptions shall have been opened.

SEC. 5. The said company shall have power to demand and receive for the transportation of persons and property over said railroad, or any part

thereof, such rates as the directors of said company may deem reasonable.

SEC. 6. The said company shall have power to mortgage, hypothecate, or pledge all or any part of the said railroad or other personal or real property, belonging to said company, or any part or portion of the tolls or revenues of said company, which may thereafter accrue, for the purpose of raising money to construct said railroad, or to pay debts contracted in the construction or repairs thereof; provided said company shall not contract debts or liabilities to a greater amount than the amount of the stock subscribed, and held by responsible stockholders, and remaining unexpended, together with the means on hand, and that which may be reasonably expected to accrue within three years from the time of making such contract, unless, at the time of making said contract, the party contracting with said company be informed of such want of means on the part of such company, and, by agreement in writing, specify the time or manner in which such debt shall be paid.

SEC. 7. If the said railroad is not commenced within five years from the date of this act, the privileges granted by this act, and the act hereby revived, shall cease and determine.

SEC. 8. So much of the act hereby amended, and of other acts, as conflicts with the provisions of this act, are hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

To authorize the lessees of Section Number Twenty Nine, in township number four, in the second range, in Warren county, to surrender their leases and take deeds.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the lessees of section number twenty nine, in the fourth original surveyed township, of range number two, between the Miami rivers, in Warren county, donated for the support of the gospel, be and they are hereby authorized to surrender their leases and take deeds for their lots, or tracts of land, held by them respectively, in said section, and that said surrender shall be made, and in all respects be governed by the provisions of an act entitled "an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto," passed February second, one thousand eight hundred and forty three, and the act amendatory thereto, passed March twelfth, one thousand eight hundred and forty four.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

To amend the act to authorize the sale of Section Sixteen, in the township of Chatfield, Crawford county, passed March 5, 1842.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That, upon application, the auditor of Crawford county shall proceed to advertise, and offer for sale, that part of the school section sixteen, in Chatfield township, that is not now sold; and if any part of said section shall remain unsold after the same has been offered at public sale, then, and in that case, the auditor is hereby authorized to sell the balance so remaining unsold, upon application, without a further public sale.*

SEC. 2. The auditor, in the further sale of said section sixteen, shall be governed, in all respects, by the act to which this is an amendment, except so much as relates to advertising the same.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

To amend an act entitled "An act to establish a Free Turnpike Road from Ottawa, in the county of Putnam, to the Indiana State Line, in the county of Williams," passed March 13, 1843.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio, That the Ottawa, Defiance and West Buffalo Free Turnpike Road, which has been located by the commissioners appointed by the act to which this is an amendment, be and the same is hereby divided and created into two roads, and that part which lies between Ottawa, in the county of Putnam, and the point where the Center and Denmark Free Turnpike Road intersects it in Williams county, shall hereafter be called the Ottawa and Defiance Free Turnpike Road; and C. L. Noble, Orlando Evans and Christian Huber, and their successors, be and they are hereby appointed commissioners on the same, and are made a corporation by the name and style of the Ottawa and Defiance Free Turnpike Road, and that part which lies northerly of said point of intersection, shall hereafter be called the Bryan and West Buffalo Free Turnpike Road; and Jacob Boyers, Almon Stinson and Levi Cunningham, and their successors, be and they are hereby appointed commissioners on the same, and are made a corporation of the name and style of the Bryan and West Buffalo Free Turnpike Road.*

SEC. 2. That all the powers and duties given and prescribed to the commissioners named in the act to which this is an amendment, shall be extended to the commissioners named in this act, on their respective roads, and they, respectively, shall have the full supervision of all existing contracts made for the improvement of that part of the road located under

the provisions of the act to which this is an amendment, which, by this act, is placed under their control; and they shall also have power to alter and vary the lines of the respective roads, of which they are commissioners, and relocate the same at any time within one year from the date of this act as they may deem equitable, or as the public interest may require, and the commissioners of the Bryan and West Buffalo Free Turnpike Road may extend the same southerly so as to intersect the other at any other point in Washington township, in Defiance county; provided that the apportionment of taxes, made by the county auditor on said road, shall extend south to the north line of section seventeen in said township, and no farther, provided said extension of said road shall not disannul or vacate any part of the other road.

SEC. 3. That said commissioners shall, during the month of February, annually, make full settlement of the receipts and expenditures for the previous year, and publish the same in some newspaper printed in said county, or that is in general circulation in said county if there be no newspaper printed therein, and also file a copy of such settlement with the county auditor.

SEC. 4. That said commissioners shall hold their office for the term of two years from the date of their appointment, and until their successors are appointed, and they, and their successors, shall each give bond to the county commissioners of the county in which they reside, for the use of their respective roads, in such amount as shall be fixed by said county commissioners, and with security, to be approved by them, for the faithful discharge of their duty, and the paying over and expending of all moneys and effects that may come into their hands by virtue of their office, and upon their neglect or refusal so to do their office shall be deemed vacant, and shall be filled in the manner provided by this act; and all the moneys, property or effects, which may be in the hands or under the control of such commissioners at the time of the expiration of their office shall be paid and delivered over to their successors in office.

SEC. 5. When any vacancy shall occur in the office of commissioner, on either of said roads, from any cause whatsoever, the court of common pleas of the county in which such vacancy may happen, on being informed thereof, shall fill the same as often as it may occur.

SEC. 6. So much of the taxes appropriated by this act, or the act to which this is an amendment, as shall hereafter be assessed and paid into the county treasury on the taxable property of the roads established by this act shall be computed by the county auditor of the county or counties in which the roads are located, and be paid over to the commissioners of said roads, respectively; and so much of the taxes heretofore assessed on the Ottawa, Defiance and West Buffalo Free Turnpike Road as is in, or may come into, the hands of the several county treasurers, and so much of said taxes as is in the hands of the commissioners of said road, appointed by the act of which this is an amendment, shall be paid over to the commissioners of the two roads, respectively, in the same manner as is pointed out for the apportionment of the taxes to be hereafter assessed, and the several county auditors shall compute the same, so far as respects their counties, and furnish the last aforesaid commissioners with a statement thereof.

SEC. 7. The said roads so created by this act shall be governed in all respects by the act to which this is an amendment, except so far as the said act shall be modified or amended by the provisions of this act; and all portions of the act hereby amended, as conflicts with the provisions of this act, are hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

To incorporate the West Jefferson Academical Institute, in the county of Madison.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That James Burnham, John W. Simpkins, Jennet Stutson, E. S. Hancock, N. C. Davis, Edward McCauley, Jonathan Farran, E. V. Arnett, Jonathan Hancock, W. Morehouse, George George, George W. Lewis, Lester H. Burnham, Israel Brown, Samuel Gorham, Alpha Scott, Nathan Burnham, B. Crabb and H. Crabb, sen., together with those who may become associated with them, for the purpose of establishing an academy in the town of West Jefferson, in the county of Madison, be and they are hereby created a body politic and corporate, by the name and style of the West Jefferson Academical Institute, by which name they shall have perpetual succession, and power to contract and be contracted with, to sue and be sued, to answer and be answered unto, in all courts of law and equity, and to acquire, possess and enjoy, sell, convey and dispose of property, real and personal, and shall possess all the powers and privileges usually incident to similar corporations; provided that its funds, privileges and immunities shall be appropriated exclusively to the purposes of education.

SEC. 2. That the corporate concerns of said academy shall be managed by a board of trustees, consisting of nine members, one of whom shall be elected president of the board, and any five of whom shall constitute a quorum to do business; they shall be elected by the stockholders on the first Saturday in April, annually, and shall hold their offices for one year, and until their successors are elected and qualified. The present officers of said institution shall hold their offices until their successors are chosen and qualified; the election of trustees shall be by ballot, each stockholder being entitled to one vote, either in person or by proxy, for each share by him or her owned; said trustees shall have power to fill all vacancies in their own body, by appointment, and the person or persons thus appointed shall continue in office until the next annual election; and if no election shall be made on the day specified in this section such election may be held on any other day, provided that notice of the time and place of holding such election, signed by three of the stockholders, be posted up in three of the most public places in said town, ten days previous to said election.

SEC. 3. That the capital stock of said corporation shall consist of shares of five dollars each, to be subscribed for in the manner the trustees shall prescribe, to be paid in such installments as their bylaws may direct, and shall be transferable on the books of said corporation in such manner as may be prescribed by the board of trustees, provided that said stock shall not exceed ten thousand dollars; and after two hundred shares shall have been subscribed, no further subscription shall take place without the consent of two thirds of the stockholders.

SEC. 4. That the board of trustees shall have power to appoint subordinate officers and agents, and establish and enforce all such ordinances, rules, regulations and bylaws, as a majority of them shall, from time to time, deem necessary and expedient for the good government and supervision of said academy, its officers and agents, teachers and pupils, and for the management of the property and affairs of said corporation to the best advantage, provided they shall not contravene the constitution and laws of the United States and of this state.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 12, 1845.

AN ACT

To attach part of the county of Athens to the county of Hocking.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That so much of the eleventh and twelfth townships, in the sixteenth range, as is included in the following boundaries, to wit: beginning at the southeast corner of Hocking county; thence running east with the township line, three miles, to the southeast corner of township eleven, in range sixteen; thence north twelve miles with the township line, to the northeast corner of township twelve, range sixteen; thence west with the township line, three miles to the county line, between Athens and Hocking; thence south twelve miles with the county line, to the place of beginning, be and the same is hereby stricken from the county of Athens, and attached to the county of Hocking.

SEC. 2. That all suits now pending within the limits of that part of the county of Athens, so set off and attached to the county of Hocking, shall be prosecuted to final judgment and execution within the county of Athens in the same manner as they would have been if this act had not been passed, and the officers of said county of Athens shall execute all such process as shall be necessary to carry into effect such suits, prosecutions and judgments; provided, however, that the citizens and residents of that portion of territory of Athens county, so set off and attached to the county of Hocking, shall not be exempted from the payment of their proportion of taxes assessed by the commissioners of Athens county for the year one thousand eight hundred and forty five, for the erection of a jail in said county,

and the proper officers of said county of Athens may proceed to collect the same in the same manner as if this act had not been passed.

SEC. 3. That all justices of the peace within that part of the county of Athens, that is hereby attached to the county of Hocking, shall continue to exercise the duties of their offices until their term of office shall expire in the same manner as if they had been commissioned or elected for the county of Hocking, and the collectors of taxes of said county of Athens shall collect all taxes that shall have been levied for the year one thousand eight hundred and forty five in the same manner as if this act had not been passed.

SEC. 4. That the auditor of Athens county shall, on or before the first Monday in June, one thousand eight hundred and forty five, make out and deliver to the auditor of Hocking county a certified list of all the lands and buildings of that part of the county of Athens, so set off to the county of Hocking, as the same is now placed on the duplicate of said Athens county, with the revaluation thereof, including all taxable buildings, and said auditor of Hocking county shall place the same on his duplicate for taxation in the same manner as is provided by law for the taxation of real estate; and the auditor of Hocking county, shall draw an order on the Treasury of said county in favor of the Auditor of Athens county, for a reasonable compensation for his services aforesaid.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

Directing road taxes, when levied in the counties of Monroe and Belmont, to be levied at the March session of the County Commissioners.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That when a road tax is levied by the commissioners of the county of Belmont or Monroe, the same shall be levied at the March session of the commissioners, on the duplicate of the proper county, of the preceding year.

SEC. 2. That it shall be the duty of the respective county auditors of the counties named in the first section of this act, when a road tax is levied in either, to make out lists of the road tax for each township, immediately after the same shall have been levied, and deliver the same to the clerks of townships, as now required by law.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

To incorporate the towns therein named.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That so much of Pleasant township, in the county of Hardin, as is included in the inlots and outlots of the town of Kenton, in said county, be and the same is hereby declared a town corporate, by the name of the town of Kenton, and, by that name, shall be a body corporate and politic, with perpetual succession.

SEC. 2. That so much of Pleasant township, in Madison county, as is included within the plat of the town of Mount Sterling, and a strip of land on every side of said town, forty rods in width, extending the outer lines thereof until they severally intersect each other, shall be known by the name of Mount Sterling, and, by such name, be a body corporate and politic, with perpetual succession.

SEC. 3. That the territory included within the limits of the recorded plat of the town of Savannah, in Richland county, shall be known by the name of the town of Savannah, and, by that name, shall be a body corporate and politic, with perpetual succession.

SEC. 4. That so much of the township of Norton, in the county of Summit, and so much of the township of Wadsworth, in the county of Medina, as may be sufficient to compose the territory of one and a half miles square, the center of which to be at the public well, in the village now called Western Star, be and the same is hereby created a town corporate, and shall hereafter be known by the name and style of the town of Western Star.

SEC. 5. That all appeals from the judgments and proceedings of the mayor of the said town of Western Star, and proceedings in the nature of appeal from the judgments of said mayor, shall be taken to the courts of Summit county.

SEC. 6. That so much territory of the county of Crawford as is included in the limits of the town plat of the town of Benton, be and the same is hereby declared a town corporate; and the mayor, recorder and common council of said town shall be a body corporate and politic, by the name and style of the town of Benton.

SEC. 7. That so much of the township of Canaan, in the county of Wayne, as is included in the recorded plat of the town of Jackson, be and the same is hereby declared a town corporate, and, as such, shall be known by the name of the village of Jackson, and is created a body politic and corporate, with perpetual succession.

SEC. 8. That the towns named in the preceding sections of this act shall, severally, be entitled to all the privileges, and subject to all the restrictions of the act entitled "an act for the regulation of incorporated towns," passed February sixteenth, one thousand eight hundred and thirty nine, and the several acts amendatory thereto.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

Supplementary to an act to increase the number of trustees and visitors of Common Schools, in the city of Cincinnati, and for other purposes, passed March 7, 1837.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That for the purpose of more effectually securing the stability and prosperity of the common schools within the city of Cincinnati, there shall be chosen, at the next annual election of city officers, by the qualified voters of each ward in said city, two judicious and competent persons to serve as trustees and visitors of common schools; and the candidate in each ward, having the highest number of votes, shall serve for the term of two years; and the one having the next highest number of votes, for the term of one year; but if both of the elected candidates, in any ward, shall have an equal number of votes, then they shall decide by lot, or by a written agreement, to be entered upon the minutes of the board, which of them shall serve for the term of two years, and which shall retire at the end of one year; and, at each annual election thereafter, there shall be one such judicious and competent person elected to said office in each of said wards, to serve for the term of two years, and until his successor be chosen and qualified; and the board of trustees and visitors, thus constituted, shall have the same authority and be subject to the same obligations and duties as are imposed or conferred on the trustees and visitors of common schools in said city, by the act to which this is a supplement, and by such other laws and ordinances as may not be inconsistent with the provisions of this act.

SEC. 2. That a majority of all the members of said board shall constitute a quorum for transacting the ordinary business thereof, including the passing of bills for the payment of claims for services rendered under existing rules or contracts, to change the general policy of the board, pass new rules or regulations for the government of the schools or of the board, to sanction new contracts, annul or confirm appointments, or to repeal existing rules or regulations.

SEC. 3. That if any member of the board of trustees and visitors of common schools, in the city of Cincinnati, shall absent himself from the regular meeting of said board for six successive weeks, unless by reason of sickness or absence from the city, or by consent of the board, said nonattendance shall be considered a virtual resignation, and the board, upon entering such fact upon its minutes, shall proceed to fill such vacancy as in case of death or resignation.

SEC. 4. That the board of trustees and visitors of common schools shall have power, and they are hereby authorized to divide the city of Cincinnati, by territorial limits, into school districts, without reference to the boundaries of wards, in such manner as shall be most convenient, having due regard to the accommodation of all the citizens, and may, from time to time, make such alterations in the boundaries thereof as shall more effectually secure to each district equal advantages and accommodations, for the education of all the children therein entitled to the privileges of common schools, by the laws regulating the same; provided the number of districts shall not be greater, permanently, than the number of school houses;

and, provided also, that boundaries of the districts shall be recorded in the proceedings of the board, and published in such manner as they shall think best, for the information of the citizens; and, provided also, that nothing in this act shall be so construed as to affect the law, now in force in said city, in reference to the German English schools.

SEC. 5. That, hereafter, when there shall be a vacancy or vacancies in the board of examiners and inspectors of common schools in the city of Cincinnati, it shall be the duty of the board of trustees and visitors to nominate to the city council, for confirmation, some suitable and duly qualified person or persons to fill said vacancy or vacancies. That so much of the act to incorporate and establish the city of Cincinnati, passed March first, one thousand eight hundred and thirty four, as is inconsistent with this section, be and the same is hereby repealed.

SEC. 6. That all fines or penalties that may be received or collected under the provisions of any law levying a tax on sales at auction, and all fines collected under the city ordinances, not appropriated by law, are hereby appropriated to the use, benefit and support of common schools within the city of Cincinnati; and it is hereby made the duty of the treasurer of Hamilton county to pay the same into the city treasury, in the same manner as he does other school funds coming into his hands for said city.

SEC. 7. That there shall hereafter be levied, annually, in addition to the amount now assessed for school purposes in the city of Cincinnati, a tax of one mill on the dollar upon all property in said city, appraised and liable, and subject to taxation for state and county purposes, which shall be collected and paid into the city treasury, as other school funds now are, for the benefit and support of common schools in said city of Cincinnati, the one half of the proceeds thereof to be applied for tuition, and the other half for building purposes, provided that this section shall not become a law until it is accepted by a majority of the votes given, yea or nay, by the qualified voters of the city of Cincinnati, at an election to be held for that purpose, at the usual time and place of holding elections, in April, for city officers; and it is made the duty of the mayor of said city to give notice of this election in the same manner and at the same time that he gives notice of the elections of city officers.

SEC. 8. That all laws and parts of laws which are inconsistent with the provisions of this act be and the same are hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

To incorporate the Columbus and Lake Erie Railroad Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That all persons who shall become stockholders pursuant to this act, in the company hereby authorized, shall be and are hereby made a body corporate, under the name of the Columbus and Lake Erie Railroad Company, and, by that name, shall be and are hereby made capable to have, purchase, receive, possess and enjoy real and personal estate, and retain to them, their successors and assigns, all such lands, tenements and hereditaments, as shall be requisite for their accommodation in the transaction of their business, and the same to dispose of at pleasure, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts of record and elsewhere, and also to have a common seal, and to alter and change the same at pleasure, with power to construct and maintain a railroad, with a single or double track, together with all such appendages as they may deem necessary for the convenient use of the same, and for the purpose of conveying freight and passengers, commencing at any eligible point in the city of Columbus, in Franklin county; thence by the most practicable route, as may be determined by said company, to the town of Mansfield, in Richland county, or to some other point on the Mansfield and New Haven, or the Mansfield and Sandusky City Railroad, at which point a connection may be made with the said railroad on such terms as the directors of the respective companies may agree upon, and, in case of any disagreement, then upon such terms as the supreme court in chancery may determine.

SEC. 2. The capital stock of said company shall be one million of dollars, which shall be divided into shares of fifty dollars each, and be deemed personal property.

SEC. 3. William A. Platt, Robert Neil, Samuel Medary, Lincoln Goodale, John W. Andrews, William Dennison, jr., Joseph Ridgway, Orange Johnson and John G. Miller, of the county of Franklin; Amos E. Potter, Caleb Howard, Hosea Williams, Benjamin Powers, Sherman Finch, Otho Hinton, Hiram G. Andrews and Hiram Randolph, of the county of Delaware; Richard House, James B. Shaw and Solomon Geller, of the county of Marion; and Robert Lee, David Anderson and Benjamin B. Truax, of the county of Richland, shall be commissioners for receiving subscriptions to the capital stock of the corporation, agreeably to the provisions of this act.

SEC. 4. That the above named persons, or a majority of them, are authorized to order books to be opened, for receiving subscriptions to the capital stock of said corporation, at such time or times and at such place or places as they may deem expedient, under the direction of at least three of the persons named, as aforesaid, having given not less than twenty days' previous notice, in a newspaper published in the county where books of subscription are to be opened, of the time and place of opening said books. So soon as ten thousand dollars of said stock shall be subscribed, they may give like notice for a meeting of the stockholders, to meet at such time and place as they may designate, for the purpose of choosing directors, to continue in office for the term of one year, and until others are duly appointed in their stead; at the time and place appointed, thirteen directors shall be

chosen, by ballot, by such of the stockholders as shall attend for that purpose, either in person or by lawful proxies; each share of the capital stock shall entitle the owner to one vote, and a majority of all the votes present shall be necessary for a choice. The persons named in the third section of this act, or such of them as may be present, shall be inspectors of such election, and shall certify, under their hands, what persons are elected directors; they shall appoint the time and place for holding their first meeting; seven directors shall form a board, and be competent to transact all business of the corporation; a new election shall be annually held for directors at such time and place as the stockholders, at their first meeting, shall determine, or as the bylaws of the corporation may require; and the directors, chosen at any election, shall, so soon thereafter as may be convenient, choose out of their number one person to be president, and one to be treasurer of the corporation.

SEC. 5. The subscribers to the stock of this corporation shall, at the time of subscribing, pay to the persons authorized to open said books, five dollars upon every share subscribed, and the residue thereof shall be paid in such installments and at such times as may be required by the president and directors of said company, to the treasurer thereof; and the said company are authorized to take and receive from such persons as become subscribers, as aforesaid, all such bonds or notes as they may deem expedient, for the purchase money of said stock.

SEC. 6. If the installments remain unpaid for sixty days after the time of payment has elapsed, the directors, in the name of the company, may collect the same by suit, or may sell the stock at public auction for the installments then due, giving thirty days' notice of the time and place of sale, by advertisement, in some newspaper in general circulation in the county where such sale is to be made, and the residue of the money arising from such sale, after paying such installments and costs, shall be paid over to the owner.

SEC. 7. If the said railroad company shall not be organized within three years from the passage of this law, and if thirty miles of the road be not completed within six years from the same date, then this act to be null and void.

SEC. 8. That the said company shall have the right to enter upon any land, to survey, lay down and construct said road, and to take any materials necessary to the construction and repair of the same, having first paid or secured the payment to the owner or owners the value of the same, ascertained as hereinafter provided; and whenever any land or materials shall be taken for the construction of said work, and the same shall not be given or granted to said company, and the owners thereof do not agree with said company as to the compensation to be paid therefor, the person or persons claiming compensation, or their agent or agents, or if the owner or owners of said property are minors, insane persons or married women, then the guardian or guardians of such minors or insane persons, and the husbands of such married women, may select for themselves an arbitrator, and the said company shall select one arbitrator, and the two thus selected shall choose a third, who shall be sworn and paid as arbitrators in other cases; and the three, or a majority of them, shall award, as arbitrators, between the parties, and render copies of their award to each of the parties,

in writing, from which award either party may appeal to the court of common pleas for the county in which such lands or materials were situated, which appeals shall be proceeded in as in other cases of appeal; and in all cases where compensation shall be claimed, it shall be the duty of the arbitrators and of the court to estimate and set off, against such claim, any advantage which the location and construction of the road may be to the claimant; and said company shall have the right to retain, own, hold and possess said materials, and to the use and occupation of said lands, as if the same had been granted and conveyed to said company by deed.

SEC. 9. Whenever it shall be necessary for the construction of the railroad to intersect or cross any stream of water or watercourse, or any road or highway lying in or across the route of said road, it shall be lawful for the corporation to construct the said railway across or upon the same; but the corporation shall restore the stream or watercourse, road or highway, thus intersected, to its former state, or place it in such condition as not to impair its former usefulness; and if said corporation, after having selected a route for said railway, find any obstacle in continuing said location, either by the difficulty of construction, or procuring the right of way at reasonable cost, or whenever a better and cheaper route can be had, it shall have authority to vary the route and change the location.

SEC. 10. Said corporation may demand and receive from all persons using or traveling upon said road, or for the transportation of property, such rates of toll as the said corporation may determine, which rates they shall have posted up in some public place at each depot.

SEC. 11. That if it shall be necessary, in the selection of the route or construction of the road, to connect the same with, or to use any road, street or bridge, made or erected by any company or persons incorporated or authorized by any law of this state, it shall be lawful for the said company, and it is hereby authorized, to contract and agree with any such other corporation, or persons for the right to use such road, street or bridge, or for the transfer of any of the corporate, or other rights or privileges of such corporation or persons, to the said president and directors of this corporation; and all such other corporations and persons incorporated by, or acting under the laws of this state, are hereby authorized to make such an agreement, contract or transfer, by and through the agency of their corporate officers, or by such persons as, by any law of this state, are intrusted with the direction and management of such road, street or bridge; and every contract to transfer, made in pursuance of the authority hereby granted, when executed by the several parties, under their respective corporate seals, or otherwise legally authenticated, shall vest in this corporation all the rights and privileges vested in the said corporations or persons, as shall be specified in the contracts and agreements above referred to.

SEC. 12. At the regular annual meeting of the stockholders of said company, it shall be the duty of the president and directors in office, for the previous year, to exhibit a distinct statement of the affairs of the company; and the president and directors shall, annually, or semiannually, declare and make such dividend as they may deem proper, of the net profits arising from the revenues of the company, deducting the necessary current and probable contingent expenses, and that they shall divide the same among the stockholders of said company in proportion to their respective shares.

SEC. 13. Every president, director, treasurer, or other officer of said company, before he acts as such, shall swear or affirm that he will well and truly discharge the duties of his office to the best of his skill and judgment; and the treasurer of said company shall give bonds, in any sum fixed by the president and directors, and to their satisfaction, conditioned for the faithful performance of his duty.

SEC. 14. This company may and they are hereby authorized to commence and complete any part of said road, at any point of its location, which the interest of said company may require; and that the said company may demand and receive the same rates of toll and transportation, on any part thus finished, as fully as if the entire work were completed and in operation.

SEC. 15. The said president and directors, or a majority of them, may appoint all officers, engineers, agents or servants whatsoever, deemed necessary for the transaction of the business of the company, and may renew them at pleasure; they shall have power to fix their compensation, by agreement or contract, and shall determine by their bylaws the manner of adjusting and settling all accounts against the said company, and also the manner and evidence of transfers of stock in the same; and they, or a majority of them, shall have power to pass such bylaws as they may deem necessary or proper for exercising all the powers vested in the company hereby incorporated, provided, only, that such bylaws shall not be contrary to the laws of this state or of the United States; they shall also have power to fill all vacancies which may occur in their board.

SEC. 16. That if any person shall willfully, by any means whatsoever, injure, impair, or destroy any part of said railroad, constructed under this act, or any of the necessary works, buildings, cars or machinery of the said company, such person or persons so offending shall, each of them, for every such offence, forfeit and pay to the said company twofold the damages, which may be recovered in the name of the company, by an action of debt, with costs of suit, in any court having cognizance thereof, and shall also be subject to an indictment, in the court of common pleas of the county where such offence was committed, and, upon conviction thereof, shall be punished by fine, not exceeding five hundred dollars, and imprisoned in the county jail, not exceeding thirty days, or both, at the discretion of the court.

SEC. 17. That the legislature of the state of Ohio may, hereafter, authorize any railroad company, incorporated to construct a railroad from any point on Lake Erie not selected by the company hereby incorporated, to form a junction with the Columbus and Lake Erie Railroad at such place or places as the legislature may, by act, determine.

SEC. 18. The state of Ohio shall not own any stock in the company hereby incorporated, either directly or indirectly.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

AN ACT

To incorporate the Franklin and Ohio River Railroad Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Wm. S. Sullivan, Lincoln Goodale, Samuel Medary, William Neil, Samuel Parsons, Leander Ransom and Orange Johnson, of the county of Franklin; and John Mills, A. T. Nye, Noah L. Wilson, Douglas Putnam, and Joseph Barker, of the county of Washington; David Allen, Solomon Bentley and Kelian Hager of the county of Belmont; John Davenport, sen., and Henry Mason, of the county of Monroe, and Calvary Morris, Peter Beebe and John Welsh, of the county of Athens, together with those who may hereafter become stockholders, in the manner hereinafter prescribed, their successors and assigns, be and they are hereby created a body corporate, by the name and style of the Franklin and Washington Railroad Company, with perpetual succession, and by that name and style shall be and are hereby made capable in law to have, purchase, receive, possess, sell, convey and enjoy, real and personal estate, and retain to them, their successors and assigns all such land, tenements and hereditaments as shall be requisite for their accommodation and convenience, in the transaction of their business, to sue and be sued, implead and be impleaded, answer and be answered unto, defend and be defended in courts of record and elsewhere, and also to have, make and use a common seal, and the same to alter, break, renew or change at pleasure.

SEC. 2. That the said corporation shall be, and is hereby vested with the right and authority to construct a railroad from Columbus, in the county of Franklin, to such point on the Ohio River, as shall be opposite the actual terminus on said river, of the Baltimore and Ohio Railroad, whenever such railroad shall be finally located and determined upon on such route or line as may hereafter be deemed most eligible and proper by said company in the mode which they may adopt for that purpose, to transfer, take and carry persons or property upon the same, by the power and force of steam, animals, or of any other mechanical or other power, which said corporation may choose to employ.

SEC. 3. That the capital stock of said company shall be one million of dollars, with the privilege of increasing the same to two million, should it be found necessary, and shall be divided into shares of fifty dollars each.

SEC. 4. That the above named persons, or any ten of them, are authorized to order books for receiving subscription to the capital stock of said corporation, to be opened at such time or times, and at such place or places as they may deem expedient under the direction of not less than three of the persons named as aforesaid, having given not less than twenty days previous notice in a newspaper published in the county, where books of subscription are to be opened, of the time and place of opening said books, and as soon as ten thousand dollars of said stock shall be subscribed, they may give a like notice for the meeting of stockholders to meet at such time and place as they may designate, to choose directors, to continue in office for the term of one year, and until others are duly appointed in their stead; at the time and place appointed, thirteen directors shall be chosen, by ballot, by such of the stockholders as shall attend for that purpose, either in person, or by lawful proxies; each share of the cap-

ital stock shall entitle the owner to one vote; the persons named in the first section of this act, or such of them as may be present, shall be inspectors of such election, and shall certify under their hands, what persons are elected directors, and appoint the time and place for holding the first meeting of directors; seven directors shall form a board, and be competent to transact all business of the corporation; a new election of directors shall be made annually at such time and place as the stockholders, at their first meeting, shall appoint, or as the laws of the corporation may require; and the directors chosen at any election shall, as soon thereafter as may be convenient, choose out of their number one person to be president, and one to be treasurer of the corporation.

SEC. 5. That upon every such subscription there shall be paid, at the time of subscribing, to the persons authorized to open said books, the sum of five dollars upon every share subscribed, or the same may be secured to be paid when called for by the directors at the option of the person receiving such subscriptions, and the residue thereof shall be paid in such installments, and at such times, as may be required by the president and directors of said company, to the treasurer thereof; and the said company are authorized to take and receive from such persons as shall purchase such stock, as aforesaid, such bonds or notes for the residue of the purchase money of said stock as they may think expedient.

SEC. 6. That if said railroad company shall not be organized within three years from the date of the passage of this law, and not less than forty miles of the road be completed within ten years from the commencement of the work, then this act to be null and void.

SEC. 7. That the directors shall have power to determine the number and kind of tracks, turnouts, branches, carriages, conveyances, storehouses, depots and other fixtures and machinery, prescribe the mode of transportation, and have power to construct a single or double track railroad.

SEC. 8. That said company shall have the right to enter upon any land to survey and lay down said road, and to take any materials necessary to the construction and repair of said work; and whenever any lands or materials shall be taken for the construction of said work, and the same shall not be given or granted to said company, and the owners thereof do not agree with said company as to the compensation to be paid therefor, the person or persons claiming compensation, or if the owner or owners of said property are minors, insane persons or married women, then the guardian or guardians of such minors or insane persons, and the husbands of such married women, may select for themselves an arbitrator, and the said company shall select one arbitrator, and the two thus selected shall choose a third, who shall be sworn and paid as arbitrators in other cases; and the three, or a majority of them, shall award as arbitrators between the parties, and render copies of their award to each of the parties, in writing, from which award either party may appeal to the court of common pleas, for the county in which such land or materials may have been situated, which appeals shall be proceeded in as in other cases of appeal; and in all cases where compensation shall, in any manner, be claimed, it shall be the duty of arbitrators and the court to estimate and set off any advantage which the location and construction of said road may be to the claimant; and said company shall have the right to retain, own, hold and possess said

materials, to the use and occupation of said lands, as fully and absolutely as if the same had been granted and conveyed to said company by deed; provided, that before the said company shall enter upon any land for the purpose of constructing the said road, or for the purpose of procuring materials for the same, they shall pay, or secure to the owner of such land or materials, payment for the same as may be awarded by the provisions of this section.

Sec. 9. Whenever it shall be necessary, for the construction of the railroad, to intersect or cross any stream of water or watercourse, or any road or highway, lying in or across the route of said road, it shall be lawful for the corporation to construct the said railway across or upon the same; but the corporation shall restore the stream or watercourse, road or highway, thus intersected, to its former state, or place it in such condition as not to impair its former usefulness; and if said corporation, after having selected a route for said railway, find any obstacle in continuing said location, either by the difficulty of construction, or procuring the right of way at reasonable cost, or whenever a better and cheaper route can be had, it shall have authority to vary the route and change the location.

Sec. 10. That said corporation may demand and receive from all persons using or traveling upon said road, or for the transportation of property, such rates of toll as the said corporation may think reasonable, which rates they shall have posted up in some public place at each of the depots.

Sec. 11. That at the regular annual meeting of the stockholders of said company, it shall be the duty of the president and directors, in office for the previous year, to exhibit a clear and distinct statement of the affairs of the company; and the president and directors may, annually or semiannually, declare and make such dividend as they may deem proper, of the net profits arising from the revenues of the company, deducting the necessary current and probable contingent expenses, and that they shall divide the same among the stockholders of said company in proportion to their respective shares.

Sec. 12. That every president, director, treasurer, and secretary, of said company, before he acts as such, shall swear, or affirm, as the case may be, that he will, well and truly, discharge the duties of his said office to the best of his skill and judgment, and the arbitrators authorized by the eighth section of this act, before they proceed to estimate damages, shall, severally, take an oath, or affirmation, faithfully, impartially, and honestly, to discharge their duty; and the said appraisers shall, severally, receive for their services one dollar per day for every day they may necessarily be employed, which shall be paid by said corporation.

Sec. 13. That the said president and directors, or a majority of them, may appoint all such officers, engineers, agents, or servants, whatsoever, as they may deem necessary for the transaction of the business of the company, and may remove any of them at their pleasure; that they, or a majority of them, shall have power to determine, by contract, the compensation of the engineers, officers, agent, or servants, in the employ of said company, and to determine, by their bylaws, the manner of adjusting and settling all accounts against the said company, and also the manner and evidence of transfers of stock in said company; and they, or a majority of them, shall have power to pass bylaws which they may deem necessary or

proper, for exercising all the powers vested in the company hereby incorporated, and for carrying the objects of this act into effect, provided, only that such bylaws shall not be contrary to the laws of this state, or of the United States.

SEC. 14. That if any person shall willfully, by any means whatsoever, injure, impair, or destroy, any part of said railroad, constructed by said company under this act, or any of the necessary works, buildings, cars, or machinery, of the said company, such person or persons so offending shall, each of them, for every such offence, forfeit and pay to the said company twofold the damages, which may be recovered in the name of said company, by an action of debt, with costs of suit, in any court having cognizance thereof, and shall also be subject to an indictment in the court of common pleas of the county where such offence may be committed, and, upon conviction of such offence, shall be punished by fine, not exceeding five hundred dollars, and imprisonment in the jail of said county not exceeding ten days.

SEC. 15. That said corporation shall have power to locate and construct branched roads from the main route to other towns or places in the several counties through which said road may pass.

SEC. 16. That this company may, and they are hereby authorized to commence, complete, and put in operation, any part of said railroad, or any branch thereof, aforesaid, at any point on the route of said railroad, which the interest of the company may require to be first commenced and completed; and that the said company may demand and receive the same rate of toll and transportation; and all the benefits and advantages which would accrue to each division so commenced or completed, as fully as if the entire work were commenced, completed, and put in operation, as aforesaid.

SEC. 17. If installments remain unpaid for sixty days after the time of payment has elapsed, the directors, in the name of the company, may collect the same by suit, or may sell the stock at public auction for the installments then due, giving twenty days notice of the time and place of sale, by advertisement in some newspaper of general circulation in the county where such sale is to be made, and the residue of the money arising from such sale, after paying such installments and costs, shall be paid over to the former owner.

SEC. 18. That it shall be the duty of the directors to keep open books of subscription at the office of the company, until the number of shares authorized by this act shall be subscribed.

SEC. 19. That said company shall not contract debts or liabilities to a greater amount than the stock subscribed and held by responsible stockholders, remaining unexpended, together with the means on hand, and that which may be reasonably expected to accrue within three years from the time of making such contract, unless, at the time of making such contract, the party contracting with said company be informed of such want of means on the part of such company, and, by agreement in writing, specify the time and manner in which such debt shall be paid.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 12, 1845.

AN ACT

To incorporate sundry Churches named therein.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Thomas E. Belknap, Henry Sallmage, John Guest, Obadiah Hunt, and Benjamin Stevens, their associates and successors, be and they are hereby created a body corporate and politic, by the name of the Methodist Protestant Church, of Rome, in the county of Seneca.

SEC. 2. That Michael Riddle, Wm. Ramsey, Samuel Riddle, Christopher Mykrants, Jacob Crall, their associates and successors, be and they are hereby created a body corporate and politic, by the name of Disciples, of the town of Ashland, in Richland county.

SEC. 3. That John Humphrey, William Clark, George W. Becman, their associates and successors, be and they are hereby created a body corporate and politic, by the name of the Baptist Church, of Lagrange township, in Lorain county.

SEC. 4. That Horace Rudd, Joseph R. Selden, Joseph Harrison, George Swesley, their associates and successors, be and they are hereby created a body corporate and politic, by the name of the First Presbyterian Church and Society, in Mayfield township, Cuyahoga county.

SEC. 5. That Henry Sturdevant, Charles Judd, Abijah Sturdevant, Frederick Williams, their associates and successors, be and they are hereby created a body corporate and politic, by the name of the First Society of Disciples, of the township of Ravenna, Portage county.

SEC. 6. That Nathaniel T. Fay, Wilson Holcomb, Michael Bordner, Daniel Douglass, their associates and successors, be and they are hereby created a body corporate and politic, by the name of the First Congregational Church, in Montgomery, in Wood county.

SEC. 7. That Samuel Stoughton, Clark P. Nichols, Peter Eddy, Ariel Humphrey, and Augustus M. Shaw, their associates and successors, be and they are hereby created a body corporate and politic, by the name of the First Congregational Church and Society, of Bennington, in Licking county.

SEC. 8. That Thomas Elliott, Samuel Ferguson, William McElhenic, their associates and successors, are hereby created a body corporate and politic, by the name of the First Presbyterian Church, of Chippewa, Wayne county.

SEC. 9. That Webster B. Storer, Arza Kellogg, S. C. Bangs, their associates and successors, are hereby created a body corporate and politic, by the name of the First Congregation of Disciples, in Akron, in Summit county.

SEC. 10. That William R. Sapp, Samuel R. Weirick, William S. Tanehill, Jonathan Korn, Albertus Geiger, their associates and successors are created a body corporate and politic, by the name of the Methodist Episcopal Church, of Millersburg, in Holmes county, with power to sell and convey any real estate now belonging to, or hereafter acquired by, said church, and with such other powers as are granted by this act.

SEC. 11. That William Long, J. M. Guitteau, S. V. Baldwin, J. H. Patrick, William Henderson, their associates and successors, are hereby created a body corporate and politic, by the name of the Regular Baptist Society, of Urbana, in Champaign county.

SEC. 12. That George Gander, Daniel Barrot, Lewis Comstock, and their associates and successors, are hereby created a body corporate and politic, by the name of the First Baptist Church, of Duncan's Falls, in Muskingum county.

SEC. 13. That James Whittaker, Isaac Darling, Stephen Donley, their associates and successors, are hereby created a body corporate and politic, by the name of the Regular Baptist Church, of Jefferson township, Coshocton county.

SEC. 14. That Barnard Gilbert, Edmund Edmundson, J. A. Sargeant, their associates and successors, are hereby created a body corporate and politic, by the name of the First Universalist Church, of the city of Dayton, in Montgomery county.

SEC. 15. That Zeb. Rudolph, Lyman Hunt, John Rudolph, and Horace O. Craine, their associates and successors, are hereby created a body corporate and politic, by the name of the First Society of Disciples, of Garrettsville, in the county of Portage.

SEC. 16. That Ichabod Clapp, Austin Morris, James Wilcox, Erastus Loomis, John Norris, Warren Loomis, Ariel D. Brown, Oliver Loomis, and John Thomas, their associates and successors, be and they are hereby created a body corporate and politic, by the name of the First Society, in Windsor, Ashtabula county, of the Methodist Episcopal Church.

SEC. 17. That John Oldfather, Philip Coblentz, sen., Samuel Oldfather, and their associates and successors, be and they are hereby created a body corporate and politic, by the name of the Germantown German Reformed Church, of Montgomery county.

SEC. 18. That Tolapharo Vickers, Walter McBride, Alexander Bonum, and their associates and successors, be and they are hereby created a body politic and corporate, by the name of the Baptist Church of Jesus Christ, at the Cross Roads, in Washington township, Coshocton county.

SEC. 19. That Reuben Newton, Aaron Aldrick, their associates and successors, be and they are hereby created a body corporate and politic, by the name of the First Regular Baptist Church of Christ, in Dover, in Cuyahoga county.

SEC. 20. That Jacob Vallery, Peter Fried, Martin Smith, John Frey, Abraham Frey, their associates and successors, be and they are hereby created a body corporate and politic, by the name of the German Protestant Evangelical Congregation, of Beaver township, in Pike county.

SEC. 21. That John Miller, John D. Sayler, John Hoffman, Jacob Wingot, John Q. A. Yonkey, their associates and successors, be and they are hereby created a body corporate and politic, by the name of the West Alexandria Methodist Protestant Church, in Preble county.

SEC. 22. That S. D. Kelly, S. M. Hickox, O. B. Judd, Simon Norton, W. B. Mills, Chandler Wallace, their associates and successors, be and they are hereby created a body corporate and politic, by the name of the congregation of Christ's Disciples, in Solon, Cuyahoga county.

SEC. 23. That Edwin Wilcox, Frederick Walker, Thomas Burk, their associates and successors, be and they are hereby created a body corporate and politic, by the name of the Free Will Baptist Church, of Roy-alton township, Cuyahoga county.

SEC. 24. That W. Bámrough, John Field, Philip Reed, Nathaniel

Merion, James W. Osgood, John Greenwood, Norman Wallace, Hiram Loveland, S. E. Wright, John G. Armstrong, their associates and successors, be and they are hereby created a body corporate and politic, by the name of the Universalist Society of Columbus, in Franklin county.

SEC. 25. That Matthias Hoster, Peter J. Cox, Thomas Leach, their associates and successors, be and they are hereby created a body politic and corporate, by the name of the First Baptist Church, in Freedom, Stark county, Ohio.

SEC. 26. That Daniel W. Fish, William H. Scudder, W. H. Johnston, their associates and successors, be and they are hereby created a body corporate and politic, by the name of the Union Hall, in Challensville, Hamilton county, Ohio.

SEC. 27. That Lewis P. Breen, Wilson Bates, William Satchell, Edmund R. Hunster, Stephen Irwin, their associates and successors, be and they are hereby created a body corporate and politic, by the name of the Union Baptist Church, of Cincinnati, and all the property, real and personal, now vested in the persons named in this act as trustees of said church, shall, upon acceptance of this act, become the property and vest in the church hereby incorporated.

SEC. 28. That Henry May, sr., William Raub, Wesley Rush and John A. Hedges, their associates and successors, be and they are hereby created a body politic and corporate, by the name and style of the Trustees of the Mount Pleasant Presbyterian Congregation, in the town of Kingston, in the county of Ross.

SEC. 29. That James Torbert, Wesley Rush and William Renick, and their associates and successors, be and they are hereby created a body politic and corporate, by the name and style of the Trustees of the Congo Meeting House, in Pickaway township, in the county of Pickaway.

SEC. 30. That Daniel Dubois, Andrew Baird and Joseph Hall, be and they are hereby created a body politic and corporate, by the name of the Presbyterian Society of the New Jersey Church, in Franklin township, Warren county.

SEC. 31. That Ezekiel J. Harlan, Jonathan Bird and Jesse John, their associates and successors, be and they are hereby created a body politic and corporate, by the name of the Rockville Regular Baptist Church, in Blue Rock, in Muskingum county.

SEC. 32. That John Hawthorn, Robert Fulton, jr., Valentine B. Stewart, their successors and associates, be and they are hereby created a body corporate and politic, by the name of the First Presbyterian Church of the town of Homer, Licking county, Ohio.

SEC. 33. That David Mouser, John R. Knapp and Daniel Stoneberger, their successors and associates, be and they are hereby created a body politic and corporate, by the name and style of the Trustees of the First Baptist Church, of the town of Marion, in Marion county.

SEC. 34. That B. S. Fannev, William S. Whipple, William Ferguson, their successors and associates, be and they are hereby created a body politic and corporate, by the name of the First Wesleyan Methodist Church, of Fitchville, in Huron county, Ohio.

SEC. 35. That Ezra Morgan, Salmon Chandler, Daniel Bon, John Babcock and Kumod B. Clafler, trustees of the Methodist Episcopal Church, in

the town of Orwell, in Ashtabula county, and their successors in office, are created a body politic and corporate, by the name of the Trustees of the Orwell Society of the Methodist Episcopal Church.

SEC. 36. That Abijah Buser, Elihu Ella, Azor Belding, Christopher Irving, Tarsus Wright, their successors and associates, be and they are hereby created a body politic and corporate, by the name of the First Congregational Church and Society of Fairfield, in the county of Huron, in the State of Ohio.

SEC. 37. That Eli Judd, Enoch Beardsley, Warren Loomis and Zenas Bans, their successors and associates, be and they are hereby created a body politic and corporate, by the name of the Congregational Church and Society of Huntsburg, in the county of Geauga.

SEC. 38. That Uri Seeley, Ezra Lewis and Thomas Wilder, and the other members of the First Presbyterian Church, and Society of Painesville, in the county of Lake, their associates and successors, are hereby created a body politic and corporate, by the name of the First Presbyterian Society, of Painesville.

SEC. 39. That Charles Williams, Isaac Morris and Buril Cousins, their associates and successors, Trustees and subscribers of the First African Baptist Church, of the city of Chillicothe, are created a body corporate and politic, by the name of the First African Baptist Church, of the city of Chillicothe.

SEC. 40. That Matthew J. Scott, A. R. Buckley, Jackson Woberton, Albert S. Anderson, and their successors and associates, be and they are hereby created a body politic and corporate, by the name of the First Baptist Church, of the town of Ashland, in Richland county.

SEC. 41. That G. W. Stanton, H. Johnson, J. Custer, Allen Brown, R. Butcher, J. Lankins and William Harrin, their successors and associates, be and they are hereby created a body politic and corporate, by the name of the African Methodist Episcopal Church, of the city of Columbus.

SEC. 42. That Isaac B. Hart, Robert McFarland, John McFarland, John P. Alexander, George W. Burens, Samuel S. Borden and Basil W. Robinson, their successors and associates, be and they are hereby created a body politic and corporate, by the name of the Regular Baptist Church, of Wolf Creek, in Holmes county.

SEC. 43. That James White, Francis Kendall, W. J. Card, their associates and successors, be and they are hereby created a body politic and corporate, by the name of the Regular Baptist Church, of Lancaster, in the county of Fairfield.

SEC. 44. That Samuel Waggoner, Lewis Baltzell, Henry Cronise, their associates and successors, be and they are hereby created a body corporate and politic, by the name of the First Universalist Church, of Seneca County, in the town of Republic.

SEC. 45. That the churches and societies named in the preceding sections shall be severally entitled to all the rights, privileges and immunities, and be subject to all the restrictions of an act entitled "an act in relation to incorporated religious societies," passed March fifteenth, one thousand eight hundred and thirty six, and also to the act entitled "an act securing to religious societies a perpetuity of title to lands and tenements, conveyed in trust for meeting houses, burying grounds, and residences for

preachers," passed January third, one thousand eight hundred and twenty five.

Sec. 46. That said corporators shall give ten days notice of their first meeting under this act, by advertisement, in three public places in the vicinity of said churches or societies.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 13, 1845.

AN ACT

For the relief of Peter Bailey, of Perry county.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be lawful for any two judges of the supreme court, upon the application of Peter Bailey, of Perry county, a native of Ireland, to examine him, the said Peter Bailey, either by themselves or some person or persons learned in the law, by them appointed for that purpose, and if, on such examination had, the said judges shall be of opinion that the applicant is qualified, and of good moral character, they shall direct their clerk to administer an oath of office, and record the admission of such applicant as an attorney or counselor at law, provided the said judges shall not admit the said applicant to such examination unless they shall be satisfied that he has resided two years in this state, nor unless he shall produce from some attorney or counselor at law, a certificate setting forth that such applicant is of good moral character, and that he has regularly and attentively studied the law during the period of two years previous to his application for admission, and that he believes him to be a person of sufficient legal knowledge and abilities to discharge the duties of an attorney or counselor at law; nor shall the said applicant be admitted, as aforesaid, unless he shall have declared, on oath or affirmation, before the proper tribunal or officer, that it was, bona fide, his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state or sovereignty whatever, and particularly by name the Queen of Great Britain and Ireland.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 13, 1845.

AN ACT

To amend an act entitled "An act to lay out and establish a Free Turnpike Road from Kalida, in Putnam county, to Napoleon, in Henry county, and to the Michigan State line," passed March 4, 1844.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That Ebenezer Lathrop, one of the commissioners named in the first section of the act to which this is an amendment, be and he is hereby removed from the said office, and Hazel Strong, of the county of Henry, be and he is hereby appointed a commissioner in his stead, who, before entering on the duties of his office, shall give bond to the state of Ohio, for the use of the county commissioners of Henry county, in such amount as shall be fixed by the county auditor, with security, to be approved by such county auditor, for the faithful discharge of the duties of his office, and the paying over and expending all the moneys which may come into his hands by virtue of his office, and all the remainder of the present incumbents, shall, on or before the first day of June next, give bond in their respective counties agreeably to the provisions of this section, or their offices shall become vacant, and any commissioner hereafter appointed, shall, within ten days after his appointment, give bond, or his appointment shall be null and void.

SEC. 2. That the taxes for road purposes on personal property shall not be applied to the construction of said road unless the supervisors of the districts through which the same passes, shall determine that the public interest requires it.

SEC. 3. That hereafter the taxes on land adjoining that part of the road which runs through Lucas county shall not be applied to the construction thereof for more than one mile on each side of said road.

SEC. 4. That so much of the act to which this is an amendment as is inconsistent with the provisions of this act, be and the same is hereby repealed.

SEC. 5. This act shall take effect and be in force from and after the passage thereof.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

RESOLUTIONS.

PREAMBLE AND RESOLUTION

Relative to the Naturalization Laws of the United States.

Whereas, it is believed that an effort will be made in the present Congress to change the naturalization laws of the United States; therefore, be it

Resolved, by the General Assembly of the State of Ohio, That it is inexpedient to make any change of the naturalization laws, having for its object an extension of the period of probation required for the naturalization of foreigners, and that the governor be requested to forward a copy of this preamble and resolution to each of our senators and representatives in Congress, to be by them laid before their respective houses.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

December 20, 1844.

PREAMBLE AND RESOLUTION

In relation to a law fixing the time of Electing President, and making it uniform throughout the Union.

Whereas, it is feared that gross frauds are frequently practiced upon the ballot box in consequence of the facilities which the holding of presidential elections in sister states, on different days, affords for the corrupt transfer of voters from state to state; and, whereas, it is believed that deception and fraud may be practiced on the people by means of false reports in relation to the returns of elections in the different states, where such states vote for presidential electors on different days; therefore—

Resolved, by the General Assembly of the State of Ohio, That our Senators and Representatives in Congress be requested to use their efforts for the enactment of a law fixing the time of voting for presidential electors on the same day throughout the Union.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

December 20, 1844.

RESOLUTION

Relative to a reduction of the rates of postage

Resolved, by the Senate and House of Representatives of the State of Ohio, That our senators and representatives in Congress be and they are hereby requested to vote for a reduction of the present exorbitant rates of postage and for the restraining or abolishing of the privilege of franking.

Resolved, That the governor be respectfully requested to forward a copy of these resolutions to each of our senators and representatives in Congress.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

December 20, 1844.

RESOLUTION

Relative to the Postage of Members.

Resolved, by the Senate and House of Representatives, That the Speakers of the two Houses, be and they are hereby authorized and required to audit and allow for payment, out of the state treasury, the postage accounts of the members of the present general assembly, on all letters and papers on public business, by them received, and on all letters on public business which members may deem proper to mark "paid."

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

December 20, 1844.

RESOLUTION

In relation to the National Road.

Resolved, by the General Assembly of the State of Ohio, That the officers and agents of the state, having the management and superintendence of the national road, be and they hereby are instructed and required to make no contracts, after the adoption of this resolution and before the fourth day of March next, for labor to be performed or for materials to be furnished to be used on the national road after the said fourth day of March next.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

December 21, 1844.

RESOLUTION

Relative to furnishing each County Treasurer with a copy of the act to repeal an "An act further to amend an act defining the duties of county treasurers, and for other purposes," passed March 12, 1844.

Resolved, by the Senate and House of Representatives of the State of Ohio, That the auditor of state be requested forthwith to forward each county treasurer a copy of the act to repeal "an act further to amend an act defining the duties of county treasurers, and for other purposes," passed March twelfth, one thousand eight hundred and forty four.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.

DAVID CHAMBERS,
Speaker of the Senate.

December 26, 1844.

RESOLUTION

Appointing Hiram Griswold, Reporter for the Court in Bank, for three years from and after the first day of June 1845.

Resolved, by the General Assembly of the State of Ohio, That Hiram Griswold, be and hereby is appointed reporter for the court in bank for the term of three years from and after the first day of June, A. D., one thousand eight hundred and forty five.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.

DAVID CHAMBERS,
Speaker of the Senate.

December 26, 1844.

PREAMBLE AND RESOLUTION

Relative to furnishing certain books to the county of Pike.

Whereas, in the month of October last the building, used for the public offices of the county of Pike, was consumed by fire, by which, among other serious losses, the sets of Ohio Reports and Chase's Statutes which had been furnished the said county by law, were entirely destroyed; and, whereas, the said Reports and Statutes ought to be replaced for the convenience of the officers of the law in said county; therefore,

Resolved, by the General Assembly of the State of Ohio, That the secretary of state be and he is hereby authorized and directed to furnish to the said county of Pike, upon the order of the clerk of the court of common pleas

of said county, the first eleven volumes of Ohio Reports, and a set of Chase's Statutes, together with a copy of the digest of said reports, recently published by Mr. Wilcox, and that he pay the expenses of procuring such of the aforesaid books, as are not in his office, out of his contingent fund.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

December 24, 1844.

RESOLUTION

Granting to the Ohio Historical and Philosophical Society the use of the rooms in which the collections of the Geological corps are deposited.

Resolved, by the General Assembly of the State of Ohio, That the custody and use of the rooms in which are now deposited the books, papers, instruments, apparatus and collections of the late Geological corps of the state be committed to the Ohio Historical and Philosophical Society, with authority to open and arrange the said books, papers and collections in suitable and proper cabinets and cases for inspection and use, provided that members of the general assembly and officers of state shall have free access to the said rooms at all times.

Resolved, That the secretary of state make the necessary arrangements for carrying the foregoing resolution into effect.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

December 30, 1844.

RESOLUTION

Relative to the admission of Charles K. Gaines, a blind boy, into the Institution for the Blind.

Resolved, by the General Assembly of the State of Ohio, That the Superintendent of the Asylum of the Blind be authorized to receive and consider the application of the citizens of Seneca county, for the admission of Charles K. Gaines, a blind boy, under the age of ten years, into the Institution, and to act in the premises as though the said boy, Charles K. Gaines, were ten years of age.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

January 9, 1845.

PREAMBLE AND RESOLUTIONS

Relative to the title to certain lands granted to the State of Ohio by the General Government and subsequently sold.

Whereas, the Congress of the United States, by an act passed February twenty eighth, one thousand eight hundred and twenty three, granted to the state of Ohio a quantity of land equal to one mile on each side of a road to be laid out from the western line of the Connecticut Western Reserve to the lower rapids of the Miami River of Lake Erie; and, whereas, the state of Ohio, by our authorized agent, selected, as a portion of the land granted, certain lots in the town of Perrysburg, and islands in the Maumee river, and river tracts sixty seven and parts of sixty eight and sixty nine, in the Twelve Mile Reserve, at the foot of the rapids of the Miami River of Lake Erie, and also certain lots in the town of Croghanville, and tract number two, and other tracts of land within the Two Mile Reserve, at the lower rapids of the Sandusky river; which selections were approved by the governor of the state of Ohio, and the commissioner of the General Land Office; and, whereas, on the twenty fifth of February, one thousand eight hundred and twenty four, the General Assembly of the state of Ohio passed an act authorizing the sale of said lands, and required the governor to make deeds therefor, and numerous persons purchased of the state of Ohio said lands and lots, and have been in possession thereof for nearly twenty years, and have made large and valuable improvements thereon; and, whereas, the commissioner of the General Land Office did order a part of said lots and lands to be sold at the Land Office at Upper Sandusky on the twenty fifth of November, one thousand eight hundred and forty four, which sale was postponed at the earnest solicitation of a number of individuals holding titles from the state, under the expectation that those titles would be quieted; therefore,

Resolved, by the General Assembly of the State of Ohio, That our Senators and Representatives in Congress be requested to use their best exertions to obtain the passage of a law confirming the location and sale of the aforesaid lands and lots.

Resolved, That the Governor be requested to forward to each of our Senators and Representatives in Congress a copy of the foregoing preamble and resolution, with a request to lay them before their respective houses.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

January 9, 1845.

RESOLUTION

Relative to the completion of the National Road, in this State.

Resolved, by the General Assembly of the State of Ohio, That our Senators and Representatives in Congress be requested to use their best efforts to obtain an appropriation, by congress, for the completion of the national road, in this state.

Resolved, further, That the governor be requested to forward to each of our Senators and Representatives in congress a copy of the above resolution.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

January 9, 1845.

RESOLUTIONS

Relative to Oregon Territory.

Resolved, by the General Assembly of the State of Ohio, That our Senators and Representatives in Congress be requested to exert themselves by all means in their power to bring to a speedy termination the negotiations pending, relative to the title of the government of the United States to the Oregon Territory, and to take such measures as they may think necessary, to secure to the American settlers therein the blessings of peace and the protection of their lives and property. And be it further

Resolved, That we protest in the most solemn manner against the surrender, by compromise or otherwise, of the smallest portion of territory to which the United States has just claim and title.

Resolved, That the governor be requested to forward a copy of the foregoing resolutions to each of our Senators and Representatives in Congress.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

January 9, 1845.

RESOLUTIONS

Relative to a grant by Congress from the public domain for the benefit of certain public institutions.

Resolved, by the General Assembly of the State of Ohio, That our Senators and Representatives in Congress be requested to urge the Congress of the United States to grant portions of the public domain to such institutions for the instruction of the deaf and dumb, or for the instruction of the blind,

which are, or hereafter may be established by the several states of the Union, in all such cases where such grants have not already been made.

Resolved, That the governor be respectfully requested to communicate a copy of these resolutions to each of our Senators and Representatives in Congress.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

January 11, 1845.

PREAMBLE AND RESOLUTION

In relation to a Marine Hospital, in the city of Cleveland.

Whereas a site has been purchased, and the jurisdiction thereof ceded to the United States, for the purpose of erecting a Marine Hospital, in the city of Cleveland, and the best interests of the public require the establishment of such an institution at that place:

Resolved, by the General Assembly of the State of Ohio, That our Senators and Representatives in Congress be requested to use their influence to obtain from congress an immediate appropriation for that purpose, and that the governor transmit to each of the members of congress from this state a copy of this preamble and resolution.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

January 11, 1845.

RESOLUTION

Relative to the admission of George Thornton into the Institution for the Blind.

Resolved, by the General Assembly of the State of Ohio, That the trustees of the Ohio Institute, for the instruction of the blind, be and they are hereby authorized to receive into said institution, as a pupil, at the expense of the state, for the term of five years, George Thornton, a resident of the county of Scioto, in this state.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

January 15, 1845.

RESOLUTION

Instructing the Secretary of State to furnish Supreme Court Reports to the county of Paulding.

Resolved, by the General Assembly of the State of Ohio, That the Secretary of State be and he is hereby instructed to furnish the county of Paulding with a full set of the Ohio Supreme Court Reports, except the first part of the eighth, and the last part of the ninth and tenth volumes, and twenty five copies of Swan's Collated Statutes, for the use of said county, and that the cost be paid out of the printing fund.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

January 15, 1845.

RESOLUTION

Providing for the payment of sundry claims in the General Appropriation Bill.

Resolved, by the General Assembly of the State of Ohio, That there shall be paid to the following persons, the several sums annexed to their names, viz:

To William Domigan, for attendance upon, room rent, fuel and articles furnished the Supreme Court, at its late session in bank, \$124 00; to Stewart and Higgins, for candles for same, \$9 21; to Lawrence Dipple, for spit boxes, &c., \$5 25; to Stewart and Osborn, for materials for covering desks in Senate Chamber, \$23 41; to S. I. Godman, for covering desks in Senate Chamber, and sundry articles of furniture for same, \$16 00; to H. F. Wheeler, for mounting a map of Texas for the use of the Senate, 75 cents; to W. Large, for sundry articles furnished for the use of the Senate Chamber, \$2 69. Total, \$181 31; and that the same be provided for in the general appropriation bill.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

PREAMBLE AND RESOLUTIONS

Relative to the Annexation of Texas.

Whereas, it is believed that the president of the United States, with a majority of his cabinet and confidential advisers, many members of both branches of the congress of the United States, the president and vice president elect, the Government of the Republic of Texas, the holders of many millions of Texan stocks, and the owners of many millions of acres of Texan lands, and a large proportion of the dealers in slaves in the United States and Texas, together with those citizens of the United States who desire the extension and perpetuation of slavery, are in favor of the immediate annexation of Texas to the United States of America, and are exerting their influence to effect that object; and, whereas, the constitution of the United States has made no provisions for incorporating foreign nations into our Union; and, whereas, Texas is engaged in a war with Mexico, is largely in debt, and offers no adequate indemnity for our assumption to pay it; and, whereas, the great social, political and moral evil of slavery is restored in Texas by her constitution, and is tolerated and legalized there with no power in the government to abolish it; therefore—

Resolved, by the General Assembly of the State of Ohio, That we do solemnly and earnestly protest against any proceeding of the government of the United States, or any branch or department thereof, having for its object the annexation of Texas to the United States—because, first, such proceeding would be unconstitutional—second, because it would involve our country in a war with Mexico, without just cause—third, because it would make our country liable for the debts of Texas, without any sufficient indemnity—fourth, because it would involve us in the guilt, and subject our country to the reproach of cherishing, sustaining and perpetuating the evils of slavery—fifth, because an union between the United States and Texas, with the guaranty, or understanding, that the whole or any part of the territory of Texas shall be formed into a state or states where slavery shall be permitted to exist, and where slaves shall be counted in determining the relative weight of such states in the councils of the Federal Union, would still farther extend the undue advantage which the citizens of the slaveholding states have over those of the states in which slavery is not permitted.

Resolved, That our senators in Congress be instructed, and our representatives requested to conform to the foregoing resolution, and to use their utmost endeavors to prevent the annexation of Texas to the United States.

And, be it further resolved, That the governor be requested to transmit to each of our Senators and Representatives in congress, and to the governors of the several states of this Union, a copy of the foregoing preamble and resolutions.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
 DAVID CHAMBERS,
Speaker of the Senate.

January 17, 1845.

RESOLUTION

Relative to furnishing copies of the School Laws to the counties of Monroe, Clermont and Morgan.

Resolved, by the General Assembly of the State of Ohio, That the secretary of state be and he is hereby directed to forward to Monroe county, along with the general laws, journals and documents, twenty additional copies of the school laws, also twenty copies for the county of Clermont, and twenty copies for the county of Morgan.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.

DAVID CHAMBERS,
Speaker of the Senate.

January 21, 1845.

RESOLUTION.

Relative to an appropriation to L. Donaldson.

Resolved, by the General Assembly of the State of Ohio, That the sum of twelve dollars and eighty eight cents be paid to L. Donaldson, for sundry repairs to the desks, windows, and doors of the senate chamber, to be provided for in the general appropriation bill.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.

DAVID CHAMBERS,
Speaker of the Senate.

January 21, 1845.

RESOLUTION

Relative to furnishing the Reports of the cases decided in the courts of the United States, among the libraries and institutions of the country; and resolution requesting the Governor to forward said resolution.

Resolved, by the General Assembly of the State of Ohio, That, in their opinion, a distribution among the public libraries and institutions of the country, of the published reports of the cases decided in the courts of the United States, would be of great and decided benefit to the community. And,

Resolved, That the governor be requested to forward a copy of the preceding resolution to our senators and representatives in congress, in order that it may be laid before their respective houses.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.

DAVID CHAMBERS,
Speaker of the Senate.

January 21, 1845.

PREAMBLE AND RESOLUTION

Relative to receiving Peter Huber, an insane person, into the Lunatic Asylum.

Whereas, Peter Huber, now a resident of Fairfield county, after having resided in this state for more than thirty years, removed to the state of Illinois, and there became insane, and returned to his former residence in said county of Fairfield, and not having regained his citizenship, desires that his application for admission into the Lunatic Asylum, may be put on file in said Institution as though he had not lost his citizenship; therefore—

Resolved, by the General Assembly of the State of Ohio, That the directors of the Ohio Lunatic Asylum be and they are hereby authorized to receive into said asylum, as a pay patient, Peter Huber, in the same manner they would be authorized to receive said applicant, were he, at this time, a citizen of this state.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

January 21, 1845.

PREAMBLE AND RESOLUTION

Relative to certain arms belonging to the state, and destroyed by fire, in the dwelling house of Captain Amherst Ordeway.

Whereas, it appears that Captain R. W. Richards, of the second company of rifle, first rifle regiment, second brigade, and eleventh division, Ohio militia, prior to the first day of August, A. D., one thousand eight hundred and forty three, receipted to Brigadier General C. W. Page, eleven rifles, for the use of said company; and, whereas, it also appears that subsequent thereto, and prior to the eighteenth day of March, A. D., one thousand eight hundred and forty four, the said rifles came into the possession of Amherst Ordeway, captain, and successor of said Richards; and, whereas, it also appears that on the night of the eighteenth day of March, A. D., one thousand eight hundred and forty four, the dwelling house of the said Ordeway, together with the rifles and all his effects, were consumed by fire; therefore, be it

Resolved, by the General Assembly of the State of Ohio, That the said C. W. Page be and he is hereby required to give up any receipt or receipts he may hold against said Richards or Ordeway, for the return of said eleven rifles, and that the said Richards and Ordeway be and they are hereby discharged from any liability to said C. W. Page, or the State of Ohio, on account thereof.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

January 21, 1845.

RESOLUTION

Relative to furnishing surplus copies of Laws, Journals, Reports and Pamphlets, to Colleges and Literary Institutions.

Resolved, by the Senate and House of Representatives, That the governor of this state is hereby authorized to appoint a suitable person to collect and arrange, in proper sets, the surplus documents, laws, journals, pamphlets, and surplus laws of the United States, belonging to the state, and not required in the various public offices, for the purpose of distribution among the colleges, literary institutions, and library associations of the state of Ohio, and said colleges, institutions and libraries, shall be entitled to the same in the order of their application; provided, however, that there be reserved twenty copies of each volume of local and general laws, the journals of the two houses, and the volumes of the public documents, to be preserved for committee rooms of the new state house, and such number of each, and of the laws of congress, as may be deemed necessary to supply counties hereafter erected.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 3, 1845.

PREAMBLE AND RESOLUTION

Authorizing the Governor to offer a reward for the apprehension and commitment of a certain murderer, therein named.

Whereas, a most horrid and brutal murder has been recently committed at Bourneville, in Ross county, by robbers and burglars, upon the person of the late Frederick Edwards, an aged and most respectable citizen of said county; and, whereas, from the confession of some of those engaged in said murder it is understood that one H. Thomas, alias Thomas Dean, was the principal perpetrator of that crime, and that he is still at large, to the great danger of the honest and peaceable, and a fugitive from the just punishment to which he has subjected himself; be it therefore

Resolved, by the General Assembly of the State of Ohio, That the governor of this state be authorized, if his excellency shall be satisfied of the probable guilt of such fugitive, to offer a reward of a sum not exceeding one thousand dollars for his apprehension and commitment to the Ross county jail.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 10, 1845.

RESOLUTION

Relative to furnishing the New York Historical Society with existing and future documents and books connected with Legislative proceedings.

Resolved, by the General Assembly of the State of Ohio, That the State Librarian, as soon as convenient, transmit to the order of the New York Historical Society, a copy of all remaining undisposed of documents and books in any manner connected with legislative proceedings, and annually, hereafter, in the same manner, transmit such documents and books for the use of the said Society.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

January 31, 1845.

RESOLUTION

Authorizing the Treasurer of State to receive delinquent taxes for a certain period.

Resolved, by the General Assembly of the State of Ohio, That the treasurer of state, on the certificate of the auditor of state, be and he is hereby authorized to receive taxes on lands and town lots, either of resident or nonresident proprietors, returned delinquent for the year one thousand eight hundred and forty four, until the tenth day of March next.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 18, 1845.

JOINT RESOLUTION

Requesting our Representatives in Congress to vote for the bill for the Reduction of Postage, which has passed the Senate of the United States.

Resolved, by the General Assembly of the State of Ohio, That our Representatives in congress be requested to use their best endeavors to procure the passage of the bill, substantially, for the reduction of postage, which has recently passed the Senate of the United States.

Resolved, That the governor of this state be requested to transmit a copy of the foregoing resolution to each of our representatives in congress.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 19, 1845.

RESOLUTION

Relative to the old Penitentiary lot.

Resolved, by the General Assembly of the State of Ohio, That the governor of this state be requested to take under his special care, the old Penitentiary lot, in the city of Columbus, and that he be authorized to commence suits and prosecute them to final judgment, against any person or persons committing any depredations upon the same.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

January 21, 1845.

RESOLUTION

Relative to the cost of relocating Lock Number Twenty, South of the Licking Summit.

Resolved, by the General Assembly of the State of Ohio, That the board of public works be and they are hereby authorized and required to cause an estimate to be made of the cost of changing the location of Lock number twenty, south of the Licking Summit, so as to locate the same within two chains of Lock number twenty one, at such time as it may be necessary to rebuild said locks, over and above what it would cost to rebuild them as at present located.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 25, 1845.

RESOLUTION

Appointing Trustees of the Miami University.

Resolved, by the General Assembly of the State of Ohio, That James Galloway and Hugh McMillan, of Greene county, Jeremiah Morrow, of Warren county, Elijah Vance, of Butler county, Charles Anderson, of Montgomery county, John N. Stevenson, of Miami county, and Charles L. Tel-

ford, of Hamilton county, for the remainder of the term, made vacant by the resignation of L. L. Hamline, are hereby appointed trustees of Miami University, for the term of nine years from and after the first day of March next.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 25, 1845.

RESOLUTION

Relative to furnishing certain laws to Wyandott county.

Resolved, by the General Assembly of the State of Ohio, That the secretary of state be required to forward to the county of Wyandott, for the use of said county, seventy five copies of Swan's Collated Statutes, also twenty of the General and Local Laws, for each year, since the years one thousand eight hundred and thirty nine and one thousand eight hundred and forty, also fifty copies of the School Laws, a full set of the Ohio Reports, and three copies of Chase's Statutes.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 26, 1845.

RESOLUTION

Relative to supplying the county of Summit with fifty copies of the Common School Law, &c.

Resolved, by the General Assembly of the State of Ohio, That the secretary of state be and he is hereby directed to forward to the county of Summit, with the laws of the present session, fifty copies of the common school law for the use of said county.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 28, 1845.

PREAMBLE AND RESOLUTIONS

Rescinding certain resolutions of censure on the Hon. John Quincy Adams, passed by the fortieth General Assembly.

Whereas, at the first session of the fortieth General Assembly of the state of Ohio, the following preamble and resolutions were passed and entered on the journals of said assembly, which preamble and resolutions are in the words following, to wit: "Whereas, the father of this country, in his farewell address to his countrymen, has wisely admonished them that it is of infinite moment that they should properly estimate the immense value of their National Union, to their collective and individual happiness, that they shall cherish a cordial, habitual and immoveable attachment to it, accustoming themselves to think and speak of it as of the palladium of their political liberty and prosperity, watching for its preservation with jealous anxiety, discountenancing whatever may suggest even a suspicion that it can in any event be abandoned, and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which link together their various parts; and, whereas, the people, as one man, believe that time and experience have but confirmed the wisdom of his forecast and the abiding truth of these sentiments; and, whereas, it has been communicated to this general assembly, that John Quincy Adams, late chief magistrate of this Union, and now a Representative in Congress from the state of Massachusetts, has presented to the House of Representatives of the United States a petition, from American citizens, praying that congress may dissolve this confederacy; therefore, *Resolved, by the General Assembly of the State of Ohio*, That John Quincy Adams, of Massachusetts, in aiding to give publicity and importance to the treasonable proposition, has subjected himself to the merited censure and reprehension of his countrymen: *Resolved*, That, in the opinion of this general assembly, the House of Representatives of the United States owe it to themselves, to the American people, whose representatives and legislative organ they are, to stamp the course and conduct of the member from Massachusetts with the severest mark of its indignant disapprobation and censure;" and,

Whereas, in the opinion of this general assembly, the sentiments of the father of his country, as set forth in his farewell address, are just, patriotic, and worthy to be cherished by every citizen of our confederacy, yet said resolutions are unjust, unwarranted by the facts on which they purport to be predicated, and calculated to cast undeserved reproach upon the character of a venerable statesman and patriot; and, whereas, John Quincy Adams, by a long life of laborious public service, by his statesmanship, ability and devotion to the interests of his country, in all the various public trusts and stations, which he has filled, and by his long, and, at length, successful defence of the rights of the people to petition and be heard, has entitled himself to the lasting gratitude of his countrymen; therefore, be it

Resolved, by the General Assembly of the State of Ohio, That the resolutions, so passed by the fortieth General Assembly, in reference to the said John Quincy Adams, be and the same are hereby rescinded.

Resolved, That the governor be requested to forward copies of this preamble and resolutions to such of the Representatives in Congress from this state, as he may think proper, with a request that they be laid before the House of Representatives.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 27, 1845.

RESOLUTION

Directing the Secretary of State to furnish the county of Hocking with the laws of the present session, Ohio Reports, &c.

Resolved, by the General Assembly of the State of Ohio, That the Secretary of State be directed to forward to the county of Hocking, with the laws of the present session, the fifth volume of the Ohio Reports, and twenty five copies of the School Officer's Guide, for the use of said county of Hocking.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

February 28, 1845.

RESOLUTION

Relative to furnishing copies of the Ohio Reports to Vanwert county.

Resolved, by the Senate and House of Representatives, That the Secretary of State be required to furnish and transmit volumes numbers ten, eleven, and twelve, of the Ohio Reports, to the Clerk of Vanwert county, at the same time he forwards the laws passed during the present session.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 6, 1845.

RESOLUTION

Relative to furnishing copies of Swan's Collated Statutes to Pike county.

Resolved, by the General Assembly of the State of Ohio, That the Secretary of State be and he is hereby directed to forward to the clerk of the court of common pleas, of Pike county, six volumes of Swan's Collated Statutes, as soon as opportunity may occur.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 6, 1845.

RESOLUTION

Relative to the moral and religious instruction of prisoners in the Penitentiary of Ohio.

Resolved, by the General Assembly of the State of Ohio, That the Directors of the Ohio Penitentiary be and they are hereby authorized to employ some suitable person as a religious and moral instructor for said institution, and to allow such compensation therefor, to be paid out of the visitor's fund, as by said directors shall be deemed reasonable and just, and whose intercourse with the prisoners shall be directed by the Warden of said prison; provided that clergymen of the several denominations of Christians who may desire to address the convicts on any Sunday shall have the privilege of doing so under such regulations as the Warden of said prison may prescribe.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 6, 1845.

RESOLUTION

Directing the Secretary of State to discontinue the suit, now pending in the Court of Common Pleas of Franklin county, against Benjamin Stetler et al., upon certain conditions.

Resolved, by the General Assembly of the State of Ohio, That the Secretary of State be and he is hereby directed to discontinue the suit of the state of Ohio against Benjamin Stetler and sureties, now pending in the court of common pleas of the county of Franklin, whenever the said defendants shall have paid all the costs of the court in the case, and also all the charges

of the attorneys employed to conduct the prosecution thereof on behalf of the state; and the said attorneys fees are hereby fixed at the sum of fifteen dollars.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 8, 1845.

RESOLUTION

Relative to furnishing certain laws to the County of Defiance.

Resolved, by the General Assembly of the State of Ohio, That twenty five copies of Swan's Collated Statutes, one set of the Ohio Reports, if on hand, also fifteen copies each of volumes forty, forty one and forty two, of the General Laws of Ohio, be forwarded by the Secretary of State to the clerk of the court of common pleas of the county of Defiance.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 10, 1845.

RESOLUTION

Relative to the construction of the South Fork Feeder, in Licking county.

Resolved, by the General Assembly of the State of Ohio, That the board of public works be authorized to examine, or cause to be examined, the South Fork Feeder, so called, in the county of Licking, with a view to ascertain what improvements are necessary to prevent, and will most effectually prevent the recurrence of damage from floods on said feeder, and at their discretion, to cause to be executed, such improvements as they may deem necessary and proper to accomplish the above named object, provided the cost thereof to the state shall not exceed the sum of three thousand dollars; but if the necessary improvements will, in their judgment, exceed that sum, they shall, in that case, report the proposed plan of improvement with the estimated cost thereof to the general assembly at their next session.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 10, 1845.

RESOLUTION

Imposing certain duties upon the Auditor of State and County Auditors.

Resolved, by the General Assembly of the State of Ohio, That the auditor of state be and he is hereby required, on or before the first day of June next, to issue his order to the several county auditors within this state, requiring each of them to report to him the amount collected within such county as fees by county and township officers, over and above their salaries, within the first year under the act entitled an act to reduce the compensation of the members of the General Assembly, and certain other state and county officers, and for other purposes, passed February 27, 1844. And the county auditors are hereby required to report to the Auditor of State the information aforesaid, on or before the first of September next; all of which said Auditor of State shall report to the next general assembly of this state.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 10, 1845.

RESOLUTION

Relative to furnishing specimens of Natural History, Laws, &c., to Alexander Vattermare.

Resolved, by the Senate and House of Representatives, That the governor be and he is hereby authorized and requested to forward, in conformity with his request, to Alexander Vattermare, of Paris, in France, such specimens of the natural history, laws and other matters peculiar to this state, as may be conveniently presented to said Vattermare, without injury to the public interest, and that the governor be and he is hereby authorized to discharge and pay, at his discretion, out of his contingent fund, any and all expenses, and such other sum for the just compensation of the said Vattermare, as the governor shall think proper.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 10, 1845.

RESOLUTION;

Relative to the payment of certain claims.

Resolved, by the General Assembly of the State of Ohio, That the sum of fourteen dollars and eighty three cents be paid to Lucien Buttles; the sum of nineteen dollars and forty six cents be paid to Ellis Ayers; the sum of one dollar be paid to O. P. Stidger; the sum of sixteen dollars and thirty nine cents be paid to R. Ellis, & Co., in full of their several accounts for articles used in the Senate chamber during the present session, and that the same be provided for in the general appropriation bill.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 10, 1845.

RESOLUTION

Granting to the Clerk of the United States Court, for the District of Ohio, the use of the State Library.

Resolved, by the General Assembly of the State of Ohio, That the Clerk of the Circuit and District Courts of the United States, for the district of Ohio, shall be entitled to the use of the State Library, under the same rules and regulations as apply to state officers.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 11, 1845.

RESOLUTION

Providing for the payment of L. Donaldson and R. R. Allen.

Resolved, by the General Assembly of the State of Ohio, That the sum of one dollar be paid to Luther Donaldson, and the sum of two dollars and sixty three cents be paid to R. R. Allen, for labor and articles for the use of the senate chamber, the present session, and that the same be provided for in the general appropriation bill.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 11, 1845.

57—L. L.

RESOLUTION

Directing copies of the act creating the new county of Defiance to be forwarded to certain officers, therein named, &c.

Resolved, by the General Assembly of the State of Ohio, That four copies of the act creating the new county of Defiance, be forwarded to each of the clerks of the court of common pleas of the counties of Henry, Williams, Paulding and Defiance, with the general laws of this session, and that one copy of said act be forwarded by the secretary of state to each of the clerks aforesaid, by mail; said laws to be distributed among the county officers of the several counties.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 11, 1845.

RESOLUTION

Appointing James Smart, of Richland county, Register of the Virginia Military District School Lands, at Mansfield, Ohio.

Resolved, by the General Assembly of the State of Ohio, That James Smart, of Richland county, be and he is hereby appointed Register of the Virginia Military District School Lands, at Mansfield, Ohio, for the term of three years from and after the eleventh day of April, one thousand eight hundred and forty five.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 11, 1845.

RESOLUTION

Relative to the Chemical apparatus of the State of Ohio.

Resolved, by the General Assembly of the State of Ohio, That Col. W. W. Mather be and he is hereby authorized to take charge of the chemical apparatus, belonging to the state of Ohio, until the next meeting of the General Assembly, he giving assurances to the satisfaction of the governor for the safe return of the same at the time specified.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 11, 1845.

RESOLUTION

In relation to the annual reports of the Public Institutions.

Resolved, by the General Assembly of the State of Ohio, That the directors of the Ohio Penitentiary, the Lunatic Asylum, the Deaf and Dumb Asylum, and the Institution for the education of the Blind, be and they are hereby directed to transmit to the governor, at least five days before the commencement of the annual sessions of the general assembly, the annual reports now required of them to be made to the general assembly, and the governor is hereby directed to transmit these reports, with his annual message, to the general assembly.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 11, 1845.

RESOLUTION

Authorizing the employment of an Oculist for the Institution for the Blind, for certain purposes.

Resolved, by the Senate and House of Representatives, That the directors of the Ohio Institution for the education of the Blind be authorized to employ some skillful oculist to examine, and, at the discretion of the said directors, and by the permission of the pupil or parent or guardian of such pupil, submit to medical treatment, or surgical operations, such cases of blindness among the pupils of said institution as may be deemed curable, provided the expense of the same shall not exceed one hundred dollars, to be provided for in the general appropriation bill.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 11, 1845.

RESOLUTION

Relative to the examination of the affairs, doings, &c., of the Goshen, Wilmington and Columbus Turnpike Company.

Resolved, by the General Assembly of the State of Ohio, That the governor be and he hereby is authorized and required to appoint some suitable person to examine the affairs and doings of the Goshen, Wilmington and Columbus Turnpike Company, for the purpose of ascertaining whether any, and if any, what sum is legally and justly due on subscriptions made by the

governor for and on the behalf of the state, to the capital stock of said company; and to enable the person so appointed, fully to discharge the duties, and accomplish the object of his appointment, he shall be and hereby is authorized to cause to be brought before him all the books, records, papers and accounts of said company, and all bids or proposals for work or jobs on said road, and to summon and examine on oath or affirmation every person who has been, or now is a director, officer, clerk, secretary or agent of said company, and any other person or persons who may have knowledge of the affairs or proceedings of said company; and the person so appointed shall report his proceedings, with the evidence he may have received, and facts ascertained, to the governor, who shall lay the same before the next general assembly, and the person so appointed shall be allowed such reasonable compensation as the governor shall allow, not exceeding two dollars per day, and his necessary traveling expenses, to be paid out of the contingent fund of the governor.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
 DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

RESOLUTION

For the preservation of Laws, Journals and Documents.

Resolved, by the General Assembly of the State of Ohio, That all the printed laws, journals and documents of the state now on hand, and all laws, journals and documents of this state, and all laws of the United States, that shall remain on hand after the secretary of state shall have made his annual distribution of laws and journals to the several counties of this state, and all documents and printed matter received from the congress of the United States, shall be placed in charge of the commissioners of the state library, to be disposed of by them according to the powers given them in the act to regulate the state library, for the sale and exchange of books, and that all former resolutions directing the sale or the distribution of laws, journals and documents, except the distribution of laws, journals and reports, to the counties of this state, are hereby rescinded.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
 DAVID CHAMBERS,
Speaker of the Senate

March 12, 1845.

RESOLUTION

Relative to the construction of a Culvert, &c., in the town of Harmar.

Resolved, by the General Assembly of the State of Ohio, That the board of public works be instructed to construct a culvert and other suitable fixtures for hydraulic purposes, at the lower dam on the Muskingum Improvement, in the town of Harmar, provided the board of public works shall deem the same for the public interest, and that the cost shall not exceed the sum of four thousand one hundred dollars, and, provided also, that the board of canal fund commissioners shall be of opinion that the money required to make said improvement can be spared from the canal revenues without detriment to the public interest; and, provided, further, that the board of public works shall first make contracts for permanent leases of water power sufficient to make the expenditure profitable to the State of Ohio.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

RESOLUTION

Relative to the adjustment of the claim of James Purdy.

Resolved, by the General Assembly of the State of Ohio, That the Board of Public Works are authorized to negotiate and purchase, of James Purdy, the right to which he may be entitled, as riparian proprietor, to the water which the state may want, flowing in the Miami River at the Grand Rapids, over and above what she may need for the purposes of the improvement of navigation by her public canals; and in case the said Purdy shall desire to receive the price agreed on, in whole or in part, in the surplus water of said river, the Board shall construct a sidecut from the pool above the state dam sufficiently large for the purposes of navigation and to carry the water to the mills of said Purdy, with a suitable guard lock therein, which sidecut shall be under charge of the Board of Public Works, and subject to reasonable tolls. And in fixing the price to be paid for the water to be purchased, the benefit and saving to the said Purdy, and the increased value of his property by reason of the building and support by the state of the state dam and the said sidecut, over and above his condition before the said state dam was erected, shall be taken into consideration, and in payment of the price agreed on by said Purdy; and the Board may sell to said Purdy, to be taken through such sidecut, so much water as shall be agreed on, so that there shall at all times remain to the state water enough for her purposes

of navigation, and to supply the hydraulic power, which she shall have rented; and any balance due to said Purdy, by said agreement, shall be paid as damages to others are paid by existing laws for injuries occasioned by construction of the public works.

Resolved, further, That in case the said Board and said Purdy cannot agree as to the price to be paid to him, or upon the quantity and value of the water to be given therefor, on application, in writing by said Purdy, the Auditor, Secretary and Treasurer of state, or a majority of them, shall appoint three judicious, disinterested persons, who, after giving ten days notice to said Purdy, and to said Board, by letter, through the public mail, or by personal notice, shall make appraisement of the value of his right in said water, and determine the value and quantity of water to be transferred to him therefor according to the provisions of the first resolution above, subject to the determination of the board as to the quantity of water actually to be transferred to said Purdy, so that any balance due him shall be paid as provided in the first resolution.

Resolved, That, upon the agreement between the parties being consummated, either amicably or by appraisal, the said Purdy shall execute a conveyance in fee, in the same manner as by law deeds of lands are made, of his interest in the water so purchased of him, and the Board shall execute to him a lease, or other conveyance in fee, of the quantity of water to be conveyed to him free of rent, in their usual form of lease or conveyance. And if the said Purdy shall suppose that he has a legal claim to compensation from the state for the obstruction of water from the river necessary for the purposes of navigation in her canal, the right to apply to the supreme court for the settlement of the question of the legality of such claim, in manner as is provided by resolution of this session for certain claimants on the Miami River, shall remain unimpaired to said Purdy.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 12, 1845.

RESOLUTION

Relative to the claims of Barnett, Hall & Co., and Ellis Ayres.

Resolved, by the General Assembly of the State of Ohio, That there be paid to Barnett, Hall and Company, eleven dollars, and to Ellis Ayres the sum of five dollars and seven cents, and that the same be provided for in the general appropriation bill.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 12, 1845.

PREAMBLE AND RESOLUTIONS

Relative to discriminating tolls upon the New York Canals.

Whereas, attempts are now making by persons residing at Buffalo and Rochester, in the State of New York, to induce the general assembly of the State of New York to impose greater tolls on merchandise and produce belonging to the citizens of Ohio and other western states, which pass on the canals of the State of New York, between Oswego, on Lake Ontario, and Albany, than are or shall be imposed on goods and produce belonging to the citizens of the State of New York, passing over the same route: therefore, be it

Resolved, by the General Assembly of the State of Ohio, That the imposition of greater tolls on property belonging to citizens of other states, than are chargeable on property belonging to the citizens of the State of New York, is a measure not only grossly unjust and inequitable, and one which will have the tendency to drive the trade of Ohio into other channels, but it is also one which, if adopted, will warrant the State of Ohio in imposing higher charges on property coming from the State of New York, than from elsewhere, and that it will be the duty of this state to take measures to protect the interests of her own citizens from this unjust aggression.

Resolved, That the governor be requested, forthwith, to forward two copies of this resolution to the governor of the State of New York, to be laid before the two branches of the general assembly of that state.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.

DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

 RESOLUTION

Relative to printing and distributing extra copies of the act to provide more effectually for a correct and equal assessment of money, capital, &c.

Resolved, by the Senate and House of Representatives, That the Auditor of State be authorized and required to have printed by the State Printer, folded and stiched together in pamphlet form, and forwarded to the several county auditors of this state, to be distributed to the assessors in their respective counties, two thousand copies of the act "to provide more effectually for a correct and equal assessment of money and capital in trade for the purposes of taxation," and of the "act to tax money brokers," together with his instructions for carrying said acts into uniform effect.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.

DAVID CHAMBERS,
Speaker of the Senate.

March 13, 1845.

PREAMBLE AND RESOLUTIONS

Declaratory of the right of Riparian Proprietors on navigable rivers, under the Ordinance of 1787, and of the mode of redress for injuries thereto

Whereas, doubts have been entertained whether riparian proprietors, on the navigable rivers of the state, are, in good faith, entitled to remuneration from the state on account of the deterioration of the value of their investments in hydraulic purposes on such rivers; to settle such doubts, and as a rule to guide the board of public works and their appraisers in such cases, be it

Resolved, by the General Assembly of the State of Ohio, That owners of lands on the banks of any river of the class described in the above preamble, who have erected dams across such rivers, and upon which dams for hydraulic purposes have been authorized by law, who have sustained damage to capital by them employed on such lands for hydraulic purposes, by reason of the abstraction of water from such river, by authority of law, in the construction or repair of any of such public works of this state, or by backwater, by the same authority, caused by the construction or repair of any such public works, are entitled to compensation from the state for such damage so far as such capital, by them so invested, is made of less value thereby.

Resolved, further, If any riparian proprietor, on such river, shall claim damages from the state for loss of any supposed interest in, or to the use of the water of such river by abstraction of the water therefrom, by authority of law, as aforesaid, he may apply to the supreme court, when in session in any county, for a writ of mandamus, directed to the board of public works, which may be served on them or any member of said board, and shall be returnable to the next term of the supreme court in bank, commanding them, if the said board, by themselves or counsel, shall not show good cause to the contrary, to assess any damages which such riparian proprietor may have sustained for loss of any supposed interest in, or to the use of the water of such river over and above his loss on the capital by him invested on his lands on such river for hydraulic purposes.

Resolved, further, If the court in bank shall determine in favor of such proprietor, then said court shall order said board to proceed and assess such damages under the provisions of the act providing for the internal improvement of the state of Ohio, by navigable canals, passed February fourth, one thousand eight hundred and twenty five.

Resolved, further, That the said court shall entertain but one such application, and the governor shall be authorized to employ counsel to defend the rights of the state in such suit.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

RESOLUTION

Directing the printing in advance of a certain law, and directing its distribution, &c.

Resolved, by the General Assembly of the State of Ohio, That four hundred copies of Senate bill, number fifty eight, entitled "an act to regulate the judicial courts, and the practice thereof," be printed in advance of other printing, and that the secretary of state forward by mail one copy to each of the clerks of the court of common pleas, and to each of the sheriffs of this state, and one copy to each of the members of this general assembly.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.

DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

RESOLUTION

Of thanks to the Chaplains of the General Assembly, &c.

Resolved, by the Senate and House of Representatives, That the thanks of the general assembly be presented to the Clergymen who have officiated as chaplains to the two houses, and that the librarian be instructed to allow them to have access to the state library until the meeting of the next general assembly.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.

DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

RESOLUTION

Requesting the Governor to appoint a day of Thanksgiving.

Resolved, by the General Assembly of the State of Ohio, That the Governor be and he is hereby requested to issue, within the present year, his proclamation to the citizens of this state, recommending to them the observance of a day (previous to the first Monday of December next,) of thanksgiving to Almighty God, for his blessings to us as a people.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.

DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

RESOLUTION

To provide for the payment of certain persons therein named.

Resolved, by the General Assembly of the State of Ohio, That the sum of twenty dollars be paid to A. Schneider, for extra services during the present session of the legislature, and that the sum of seventy five cents be paid to Lucien Buttles; that the sum of two dollars be paid to Luther Donaldson, and that the same be provided for in the general appropriation bill.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 12, 1845.

RESOLUTION

Relative to appointing a Director of the Lunatic Asylum.

Resolved, by the Senate and House of Representatives, That D. L. McGugin be and he is hereby appointed a director of the Lunatic Asylum, for the term of five years from and after the twenty third day of March, instant.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 12, 1845.

RESOLUTION

Relative to appointing Commissioners to examine the books, &c., of the Board of Fund Commissioners.

Resolved, by the General Assembly of the State of Ohio, That Elisha Whitteley, of Trumbull county, Charles H. Wing, of Franklin county, and Thomas L. Hamer, of Brown county, be and they are hereby appointed commissioners, in pursuance of the act entitled "an act to appoint commissioners to examine the books, accounts and proceedings of the board of canal fund commissioners, and of the transfer office of Ohio stocks, in New York," passed March twelfth, A. D., one thousand eight hundred and forty five.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 12, 1845.

RESOLUTION

In relation to the contract of William Burdell, for the employment of convict labor in the Ohio Penitentiary.

Whereas, doubts exist as to the validity of a certain instrument in writing, dated the eighteenth day of August, one thousand eight hundred and forty two, purporting to be a contract between Richard Stadden, as late warden of the Ohio Penitentiary, and William Burdell, of Franklin county, for the labor of certain convicts in the Ohio Penitentiary, for the term of three years, from the first day of April, A. D., one thousand eight hundred and forty five; therefore, be it

Resolved, by the General Assembly of the State of Ohio, That the governor be and he is hereby authorized to nominate and appoint some suitable person, learned in the law, to whom (the said William Burdell assenting thereto) the matter of the validity of said instrument shall be submitted; and said arbitrator shall have power to take testimony in regard to the matter so submitted, and, for that purpose, may issue subpoenas for witnesses, and administer oaths and affirmations; and such arbitrator shall report his award in the premises to the governor, on or before the first day of April next, which shall be binding upon the directors of the penitentiary in regard to said pretended contract; and said arbitrator shall be entitled to reasonable fees for his services, which shall be audited and allowed by the governor, and which, together with all other costs of the arbitration, to be certified by the arbitrator, shall be paid by the governor out of his contingent fund, in case said award should be in favor of the validity of said pretended contract; and if said award should be against the validity of the same, then said fees and costs shall be paid by said William Burdell, in case he consents to the submission of said question, as hereinbefore provided.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

RESOLUTION

Directing the State Librarian to take charge of the Public Buildings.

Resolved, by the General Assembly of the State of Ohio, That the state librarian be directed to take charge of the state house and other public buildings of the state, not occupied during the interval between the present and the next session of the legislature, together with the furniture therein.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

RESOLUTION

Relative to the payment of certain claims.

Resolved, by the General Assembly of the State of Ohio, That the following sums be and the same are hereby respectively allowed to the persons following, viz: to Robert Ellis and Company, thirty one dollars and sixty four cents; Whiting and Huntington, twenty five dollars; J. Ridgway, twenty six dollars and sixty three cents; H. J. Armstrong, seven dollars and twenty six cents; James Aston, seventy dollars and seventy cents; Lucien Buttes, seventy five cents; Dwight Stone and Company, seventy five cents; Stewart and Osborn, ten dollars and eighty eight cents; A. Hardy, six dollars and forty cents; S. E. Wright and Company, eight dollars and sixty cents; William Bollinger, one dollar; James Stevens, nine dollars; Van E. Vanmeter, twenty three dollars and thirty two cents; H. W. Broderick, twenty dollars; L. D. and S. R. Preston, eleven dollars and sixty five cents; S. I. Godman, fifty two dollars and fifty cents; Ellis, Sessions and Company, nine dollars and thirty one cents; W. M. Savage, three dollars and seventy five cents; Christian Betz, twenty four dollars and fifty cents; John Greenleaf, thirty dollars; Jacob Boswell, twenty four dollars and eighty six cents; George J. Pugh, twenty dollars and twenty five cents, and the same be provided for in the general appropriation bill.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 12, 1845.

RESOLUTION

Instructing the Board of Public Works to review and reappraise any damages sustained by Levi Whipple, by reason of the Muskingum Improvement, &c.

Resolved, by the General Assembly of the State of Ohio, That the board of public works is instructed to appoint judicious, disinterested appraisers, and review and reappraise any damages which Levi Whipple may have sustained in his property, in Muskingum county, by reason of the Muskingum improvements, and in making such review and appraisal said board and appraisers shall be governed by the provisions of the act entitled "an act to provide for the internal improvement of the State of Ohio by navigable canals," passed February fourth, A. D., one thousand eight hundred and twenty five; provided that neither of said appraisers shall be residents of Muskingum county.

JOHN M. GALLAGHER,

Speaker of the House of Representatives.

DAVID CHAMBERS,

Speaker of the Senate.

March 12, 1845.

JOINT RESOLUTION

Providing for the sale of the personal property, fixtures, right of way, &c., of the Ohio Railroad Company, and for other purposes.

Resolved, by the General Assembly of the State of Ohio, That the board of public works be and they are hereby directed to sell to the highest bidder, or dispose of in the manner they shall consider most advisable for the interests of the state, after having given not less than thirty days notice, by public advertisement of the time and place of sale, all the personal property belonging to the Ohio Railroad Company, that now is, or may hereafter come into the possession of said board; and said board is hereby authorized to sell or dispose of such property, on a credit of not exceeding five years, and take notes, bonds or other evidences of debt, bearing interest and well secured for the payment of the same; and the notes and bonds so taken shall be payable at the state treasury, and the interest thereon shall be payable annually.

Resolved, further, That said board shall, in like manner, with like credit and security, sell and dispose of the whole or part of the right of way, permanent fixtures and chartered franchises of said company; and the person or persons, or body corporate, becoming the purchaser of such permanent fixtures, right of way and chartered privileges, may exercise, use, possess and enjoy the same, or so much thereof as may be purchased, as fully as the same could have been enjoyed by the said Ohio Railroad Company, provided that said permanent fixtures, right of way and chartered privileges shall become forfeited to the State of Ohio if the purchaser shall not, within five years commence, and within ten years complete said road, or so much thereof as shall have been purchased by such person or persons, or body corporate, provided that the state of Ohio shall not, in any manner, be bound or pledged to furnish any means whatever for the completion of said road.

Resolved, further, That said board, before any of the property authorized to be sold by the provisions of the foregoing resolutions, shall be offered for sale, shall cause the same to be appraised by three disinterested freeholders, to be by them appointed, who shall be sworn as appraisers in other cases, and who, after appraising said property, shall return a schedule thereof, to the board of public works, and said property shall not be sold at less than one half of its appraised value; and it shall be unlawful for any member of the board of public works, or appraiser, to become the purchaser of any part thereof.

Resolved, further, That the money, notes and bonds arising from such sale, shall be paid over and deposited with the treasurer of state, and that the board report its proceeding hereon to the general assembly at its next meeting.

Resolved, further, That if the board of public works shall be of opinion that the interest of the state would be thereby promoted, they are hereby authorized to purchase for the use of the state, any part of the aforesaid property.

Resolved, further, That said board ascertain and report to the next general assembly the amount of real estate belonging to said company, its

kind and value, and what course of action, in their opinion, will realize to the state the greatest amount from a disposition of the same.

Resolved, further, That said board cause to be ascertained whether any, and if any, what lands, formerly the property of the said railroad company, have been sold for taxes charged thereon, as the property of said company, or as the property of any person or persons claiming under said company, and which may have been forfeited to the state, and to cause the same to be redeemed for and on behalf of the state; and also take the necessary measures to prevent the sale, for delinquent taxes or as forfeited lands, any of the real estate formerly belonging to said company, to which the state may now have a claim, either in law or equity.

Resolved, further, That the necessary expenses of carrying into effect the foregoing resolutions shall be certified by said board to the governor, and by him paid out of his contingent fund.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

JOINT RESOLUTION

Authorizing the Clerks of the two Houses to make Indexes and complete Records.

Resolved, by the Senate and House of Representatives of the State of Ohio, That the chief clerks of the respective houses of the general assembly be authorized, after the adjournment, to complete the records of reports of their respective houses, as required by an act passed January thirty first, one thousand eight hundred and thirty nine, and that the speakers of the respective houses certify their accounts for such number of days as may be necessary to complete said work, at a rate of compensation not exceeding two dollars per day, while so engaged; and they shall also be paid the sum of one hundred and twenty five dollars each, for preparing indexes to the Journals and volumes of Public Documents, as provided in the aforesaid act, to be paid on the warrant of the speaker of the respective houses.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

RESOLUTION

Relative to the distribution of the Laws of the United States.

Resolved, by the Senate and House of Representatives, That the secretary of state furnish each county in this state, that has not heretofore received them, the laws of congress, as far as such laws have been received by the state of Ohio.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

RESOLUTION

Appointing Commissioners to examine the accounts and proceedings of the Board of Public Works.

Resolved, by the General Assembly of the State of Ohio, That Simeon Nash, Roswell Marsh and Demas Adams, jr., be and they are hereby appointed commissioners, under the provisions of the act entitled "an act to appoint commissioners to examine the accounts and proceedings of the board of public works, and for other purposes," passed March six, one thousand eight hundred and forty five.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

RESOLUTION

Relative to the State Library.

Resolved, by the General Assembly of the State of Ohio, That the board of commissioners of the library adopt proper rules and regulations for the admission of the officers and teachers at the several asylums, for the insane, deaf and dumb, and blind, at Columbus, to the state library, with right to draw books therefrom, as officers of the state.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

RESOLUTION

Relative to the contract of P. W. Taylor and Company.

Resolved, by the General Assembly of the State of Ohio, That the Board of Public Works, in making settlement with P. W. Taylor and company, on their contract for completing the Miami Extension Canal, shall not allow them a greater sum (beyond three hundred and twenty two thousand dollars, the amount of their bid) than fifteen hundred dollars, nor shall the Board receive the work from the said P. W. Taylor and company, nor pay the per centum allowed to be retained by the act of February twenty eight, one thousand eight hundred and forty three, until the water shall have been let into the canal, and boats shall have passed the entire length of the same.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

RESOLUTION

Relative to the claim of John Moore.

Resolved, by the General Assembly of the State of Ohio, That the sum of twelve dollars and fifty cents be paid to John Moore, for and on account of money and time expended in making out his deposition relative to certain contracts made by the resident engineer of the National Road, and that the same be provided for in the general appropriation bill.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 12, 1845.

RESOLUTION

Appointing M. J. Gilbert, Trustee of the Blind Asylum.

Resolved, by the General Assembly of the State of Ohio, That M. J. Gilbert, be and he is hereby appointed a trustee of the Ohio Institution for the Blind, for the term of three years from and after the twelfth day of March, instant, one thousand eight hundred and forty five.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 13, 1845.

RESOLUTION

Relative to appointing Directors for the Deaf and Dumb Asylum.

Resolved, by the Senate and House of Representatives, That the Reverend James Hoge, A. F. Dobb, Samuel McClelland and George Cole, be and they are hereby appointed trustees of the Asylum for the Deaf and Dumb, for the term of three years from and after the eighteenth day of March instant.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.
DAVID CHAMBERS,
Speaker of the Senate.

March 13, 1845.

SECRETARY OF STATE'S OFFICE,
COLUMBUS, May 20, 1845.

I hereby certify that the foregoing acts and resolutions are true copies of the original rolls on file in this office.

SAMUEL GALLOWAY,
Secretary of State.



INDEX.

ACADEMICAL INSTITUTIONS.

	Page.
To incorporate the Tallmadge Academical Institute, of Tallmadge, in the county of Summit.....	12
To incorporate the Bedford Seminary, in Cuyahoga county.....	16
To incorporate the Cincinnati Classical Academy.....	39
To incorporate the Trustees of the Columbus Academical and Collegiate Institute.....	65
To incorporate the Aurora Academical Institution, in the county of Portage.....	75
To incorporate the Cooper Female Academy, in Dayton	87
To incorporate the Akron Institute.....	89
To incorporate the Jackson Academy, in the county of Jackson.....	98
To incorporate the Vermillion Institute	229
To incorporate the Findlay Academical Institute, of the county of Hancock.....	203
To incorporate the Cottage Hill Academy in Ellsworth, in the county of Trumbull.....	289
To incorporate the Rocky River Seminary.....	121
To incorporate the Normal High School, of Carroll county.....	292
To incorporate the London Academy, in the county of Madison.....	384
To incorporate the West Jefferson Academical Institute, in the county of Madison.....	409

BANKS.

To authorize the trustees of the creditors and stockholders of the Bank of Geauga to distribute its judgments and choses in action, and to authorize the distributees to use the name of the trustees and to collect the same	343
To authorize William Lewis, trustee of the Mechanics' and Traders Bank of Cincinnati to commence and prosecute suits against the debtors of said bank.....	308
For the relief of the creditors of the Granville Alexandrian Society, and to enable said society to collect and pay its debts.....	311

BRIDGES.

Authorizing the board of directors of the Steubenville, Cadiz and Cambridge Macadamized road company to relinquish to the commissioners of Jefferson county the right of way for a bridge over Cross creek.....	5
---	---

BRIDGES—Continued.

To amend the charter of the Miami Bridge Company, passed February 20, 1816.....	361
To amend the act entitled "an act to authorize Levi Whipple and others to erect a tollbridge over the Muskingum river," and the act entitled "an act to authorize Moses Dillon and his associates to erect a tollbridge over the Muskingum river.".....	200
To incorporate the Butler county tollbridge company.....	238
To authorize the counties of Pickaway and Franklin to build a bridge across Big Walnut Creek.....	396
To incorporate the Blanchard River Bridge Commissioners, No. 2..	294

CANALS.

To amend the act entitled "an act to amend the act to incorporate the Perrysburg Canal and Hydraulic Company," passed December 24, 1840.....	32
Further to amend the act entitled "an act incorporating the Milan Canal Company," passed January 24, 1827.....	295
To amend the act entitled "an act to incorporate the Cincinnati and Whitewater Canal Company.....	159

CEMETERIES.

To amend an act entitled an act to incorporate the German Protestant Cemetery, of Cincinnati.....	6
To amend an act to incorporate the German Catholic Cemetery, of Cincinnati.....	7
To incorporate the proprietors of the Cemetery, of Spring Grove..	24
To incorporate the proprietors of the Woodland Cemetery, in Greene county.....	118
To incorporate the Mansfield Cemetery Association, of Richland county.....	398
To incorporate the First German Protestant Cemetery Association, of Cincinnati.....	144

CHURCHES.

To incorporate sundry Churches therein named	423
To amend an act entitled "an act to incorporate the Welsh Calvinistic Methodist Church, of Cincinnati," passed February 8, 1834.....	127
To amend the act to incorporate the First Presbyterian Church, in Clarksfield, Huron county.....	194
To incorporate the Central Presbyterian Congregation, of Cincinnati.	233
To authorize the Trustees of the First Presbyterian Church, of Martinville, in Belmont county, to convey certain real estate.....	264
To incorporate the First Presbyterian Church, of Warren, Trumbull county.	341
To amend an act entitled "an act incorporating the First Presbyterian Society, in Cincinnati," passed January 12, 1807.....	47
To incorporate the Trustees of the Dalton Parsonage of the Methodist Episcopal Church, in Sugarcreek township, Wayne county, Ohio.....	188
To amend the act to incorporate the First Presbyterian Society, of Birmingham, Erie county, Ohio.....	145

COLLEGES.

To amend an act entitled "an act to incorporate the Marietta College."	4
To authorize the establishment of a College of Dental Surgery.....	32
To amend the act incorporating the Granville Literary and Theological Institution.....	54
To incorporate the Trustees of the Protestant University of the United States	345
To incorporate the trustees of the Fort Meigs University.....	80
To incorporate the Board of Directors of Wittenberg College.....	375
To authorize the Trustees of the Cincinnati College to borrow money to erect college buildings.....	376

COUNTIES.

To erect the new county of Wyandott, and alter the boundaries of the county of Crawford	61
Declaratory of the ninth section of the act to erect the new county of Wyandott, and alter the boundaries of the county of Crawford	184
To authorize the Commissioners of Erie county to procure copies of certain records in the county of Huron.....	21
To authorize the County Commissioners of Delaware county to alter the boundaries of certain townships in Delaware county.	18
To legalize and confirm a mortgage made by the Trustees of the Monroe Academical Association to the Fund Commissioners of said county	256
Directing road taxes, when levied in the counties of Monroe and Belmont, to be levied at the March session of the county Commissioners.....	411
To authorize the Auditor of Butler county to levy a tax for certain purposes	364
To amend the act entitled "act to regulate the Fur Trade, in the counties of Sandusky, Ottawa and Lucas	140
To prevent Nuisances in the county of Cuyahoga	127
To attach a part of the county of Athens to the county of Hocking.	410
To amend an act entitled an act to improve Fisheries, on Sandusky river, within the counties of Seneca and Sandusky, passed March 10, 1843.....	354
To attach the townships of Homer and Marion, in Athens county, and sections Nos. 5, 6, 12, 29, 30, 35 and 36, in Roxbury township, in the county of Washington, to the county of Morgan.....	360
To alter the line between the counties of Franklin and Madison	198
To erect the county of Defiance	191
To authorize the Commissioners of Montgomery county to borrow money	210
To provide for the collection and payment of costs in criminal cases, in the counties of Geauga, Portage and Ashtabula	298
To amend the act entitled "an act to provide for the more permanent improvement of roads and highways, in the county of Hamilton, and for other purposes," passed March 6, 1844	168
To clear Killbuck creek, in the county of Wayne, of timber and other obstructions therein and for other purposes.....	240
To authorize Marion and other counties therein named, to subscribe to the capital stock of certain companies to make public improvements	232

COUNTIES—*Continued.*

To fix the fees of Gaugers and Inspectors of domestic spirits, in the county of Hamilton	254
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To incorporate the Black River and Sullivan Plank Road Company	345
To incorporate the Goshen, Blanchester and Martinsville Plank Road Company	317
To amend an act passed January 31, 1845 to incorporate the Milan and Richland Plank Road Company	375

PRIVATE PERSONS.

For the relief of Robert W. Russell, of Cincinnati	20
To authorize certain investments of the fund bequeathed by Mrs. Eunice Buckingham, late of Putnam, in the county of Muskingum, deceased, for the purpose of female education	42
For the relief of Grandison Newell, and others	67
For the relief Jas. Wolcott, of Maumee City	66
To authorize Eliza Holgate to convey real estate for her children	191
To authorize Robert Noffsinger to construct a dam across the Tuscarawas river, in Tuscarawas county	115
For the relief of James Blair.....	144
To enable the heirs of Martha C. Dudley, to convey certain real estate.....	28
For the relief of Isaac Vail, late Sheriff of Belmont county.....	337
For the relief of Peter Bailey, of Perry county	427
For the relief of Matthew Nichol	400
For the relief of Rowland Rees	367
For the relief of Wm. H. Beard, of Muskingum county, Ohio.....	393
For the relief of Robert W. Mitchell	395
For the relief of the sureties of Wm. Dawson, as Treasurer of Williams county.....	402
Authorizing the personal representatives of Micajah T. Williams, late of Hamilton county, deceased, to complete the contracts of said Williams, made in his lifetime, relative to real estate, and for other purposes.....	247

PRIVATE PERSONS—*Continued.*

To change the name of Margaret Beckett, and Tamson Lavinia Beckett.....	94
For the relief of Jonathan D. Shultz, of Townsend township, in the county of Sandusky.....	255
For the relief of Lewis Watson.....	143
To confirm the title of John Webster and his assigns, to the east half of the northeast quarter of section number twenty seven, in township number ten, of range number five, east, in the county of Shelby.....	150
For the relief of David Witherow.....	363
To authorize the executors of Thos. S. Perkins, deceased, to sell and convey certain lands.....	366
To authorize the Governor to make a certain Deed.....	99

RAILROADS.

To revive and amend an act entitled "an act to incorporate the Columbus, Delaware, Marion and Sandusky Railroad Company," passed February 8, 1832.....	33
Further to amend an act and the amendatory acts, to incorporate the Sandusky, Toledo and Michigan City Railroad Company..	40
To incorporate the Canton and Akron Railroad Company.....	131
To authorize certain railroad companies herein named, to borrow money. [Madrider and Lake Erie, and Little Miami.].....	146
To incorporate the Wilmington and Toddsfork Railroad Company	241
To amend the act entitled "an act to incorporate the Wayne and Summit Railroad Company.".....	266
To incorporate the Cleveland and Hudson Railroad Company....	225
To incorporate the Dayton and Little Miami Railroad Company....	206
To authorize the Little Miami Railroad Company to locate the line of said railroad between Xenia, in Greene county, and Springfield, in Clark county, on the most suitable and practicable route.....	233
To authorize an extension of the capital of the Mansfield and Sandusky City Railroad Company, and for other purposes.....	274
To incorporate the Madriver and Great Miami Railroad Company..	249
To incorporate the Belpre and Cincinnati Railroad Company.....	280
To revive and amend the act entitled "an act to incorporate the Columbus, Delaware, Marion and Upper Sandusky Railroad Company.".....	300
To amend the act entitled "an act to incorporate the Columbus and Xenia Railroad Company," passed March 12, 1844.....	309
To revive and amend the act entitled "an act to incorporate the Cleveland and Pittsburg Railroad Company," passed March 14, 1836.....	401
To incorporate the Columbus and Lake Erie Railroad Company..	415
To incorporate the Franklin and Ohio River Railroad Company....	419
To revive the act entitled "an act to incorporate the Venice and Margaretta Railroad Company.....	381
To revive the act entitled "an act to incorporate the Cleveland, Columbus and Cincinnati Railroad Company.....	405

RELIGIOUS ASSOCIATIONS.

To incorporate the Calvinistic Book Concern.....	15
To incorporate the Ohio Baptist Book and Tract Society.....	56
To incorporate the Ohio Baptist Education Society.....	86
To incorporate the Putnam Union Sunday School Depository, in Mus- kingum county.....	205

SAVINGS INSTITUTIONS.

To amend the act entitled "an act to incorporate the Cincinnati Savings Institution."	43
To amend the act entitled "an act to incorporate the Mechanics' Savings Institution, of Columbus, Ohio," passed March 17, 1838.	253
To repeal the act amending the act incorporating the Cincinnati Savings Institution, passed January 29, 1845	384

SCHOOLS.

For the relief of the Mount Pleasant Boarding School.....	398
For the support and better regulation of Common Schools, in the city of Columbus.....	57
To incorporate the Vermillion Institute	229
To regulate Common Schools in the township of Portland, in the county of Erie	285
To incorporate the Cottage Hill Academy, in Ellsworth, in the county of Trumbull	289
To incorporate the Normal High School, of Carroll county.....	292
For the relief of School District No. 10, in Sugarcreek township, Greene county.....	334
To incorporate the London Academy, in the county of Madison....	364
To incorporate the West Jefferson Academical Institute, in the county of Madison	409

SCHOOL LANDS.

To authorize the trustees of Liberty township, in the county of Seneca, to lease school section 16, in said township....	12
To authorize the sale of the east half of the northwest quarter of section No. 15, in township No. 16, of range 19, Refugee tract, for the use of schools for the township of Liberty, in Fairfield county, and the townships of Harrison and Union, in the county of Licking.....	30
To authorize the sale of school section No. 16, of township 7, north, range 8, east, in Swancreek township, in the county of Lucas...	39
To authorize the trustees of the original surveyed township No. 3, in the 11th range, in Meigs county, to lease, permanently, certain school lands in the counties of Athens and Meigs.....	38
To authorize the sale of school section No. 16, township 9, south, range 4, east, in Amboy township, in the county of Lucas.....	41
To authorize the sale of the west half of section 20, township 18, range 20, lying in Congress township, Richland county, belong- ing to fractional township No. 14, range 21, in the county of Marion, for the use of schools in said fractional township	48

SCHOOL LANDS—*Continued.*

To amend an act entitled "an act to authorize the sale of the east half of the northwest quarter of section No. 15, in township No. 16, of range 19, Refugee tract, for the use of schools, for the township of Liberty, Fairfield county, and the townships of Harrison and Union, in the county of Licking," passed January 21, 1845.....	236
To authorize the treasurer of Wood county to buy in, for the State of Ohio, certain lots of land, in school section 16, in township 1, in the Twelve Mile Reserve, in Lucas county.....	176
To authorize the sale of school section 16, in township 21, range 20, in Richland county, belonging to a fractional part of Sugarcreek township, Stark county, for school purposes.....	224
To authorize the sale of the southwest quarter of section 10, township 21, and range 20, and the southeast quarter of section 9, township 21, and range 20, belonging to a fractional part of Saltcreek township, in Holmes county, for school purposes.....	221
To authorize the sale of school section 16, in the original surveyed township 14, of range 14, in the counties of Perry, Morgan and Muskingum.....	205
To authorize the sale of school section 16, in Sugarcreek township, in the county of Putnam.....	169
To authorize the sale of school section No. 16, Townsend township, in the county of Sandusky.....	116
To authorize the sale of school section No. 16, in Milford township, in the county of Williams.....	99
To authorize the sale of school section 16, in township 7, north, range 4, east, in Brady township, in the county of Williams.....	140
To authorize the sale of school section 16, in township 5, range 15, in Sandusky township, in Sandusky county.....	126
To enable Amos Dye and Charles Atkinson, to surrender their leases to certain school lands.....	120
To amend an act entitled "an act to authorize the revaluation of school section 16, in Riley township, Sandusky county, and to authorize the lessees to surrender their leases, and receive deeds of purchase," passed March 26, 1841.....	146
To authorize the sale of school section 16, in Greene township, Hamilton county, Ohio.....	143
To provide for releasing Ministerial section 29, and school section 16, in Homer township, Athens county.....	270
To authorize the sale of school section No. 16, township 7, north, range 5, east, in German township, in the county of Lucas.....	170
To amend "an act to authorize the sale of the east half of the northwest quarter of section No. 15, in township No. 16, of range 19, Refugee tract, for the use of schools, for the township of Liberty, Fairfield county, and the townships of Harrison and Union, in the county of Licking," passed January 21, 1845.....	236
To authorize the sale of the southwest quarter of section No. 11, township No. 21, and range No. 20, belonging to a fractional part of Paint township, in Holmes county, for school purposes.....	325
To authorize the sale of school section 16, in Pulaski township, in the county of Williams, and for the sale of section 16, of original surveyed township No. 15, in Washington township, Marion county.....	357

SCHOOL LANDS—*Continued.*

To authorize the lessees of school section 16, in Perry township, Gallia county, to surrender their leases and receive deeds.....	367
To amend the act to authorize the sale of school section 16, in the township of Chatfield, Crawford county, passed March 5, 1842...	407
To authorize the trustees of original surveyed township 5, in range 4, of the county of Belmont, to lease a part of section 16, in said township.....	397
To authorize the sale of section 16, in township 5, south, range 3, east, in Centre township, in Mercer county.....	18
To authorize the sale of section 16, in Blanchard township, Putnam county, and to legalize certain proceedings of the trustees of said township.....	9
To authorize the sale of section 16, in Tiffin township, Williams county.....	92
To authorize the sale of section 16, Riley township, Putnam county, and to legalize certain proceedings of the trustees of said township.....	22
To authorize the sale of the northeast quarter of section 16, in township 4, range 5, in Monroe county.....	343
To authorize the sale of section 16, in Washington township, Allen county.....	124
To authorize the sale of section 16, in 5th township, and 5th range, in Monroe county.....	364
To authorize the lessees of section 16, township 4, range 17, in York township, in the county of Sandusky, to surrender their leases and take deeds.....	125
To authorize the sale of school section 16, in township 4, north, range 3, east, in Delaware township, in the county of Williams..	256
To amend the act entitled "an act to authorize the sale of the northeast quarter of Section 8, in township 3, of range 12, in Meigs county," passed March 5, 1844.....	344
To authorize the reappraisement of the west half of the southwest quarter of Section No. 15, in township No. 16, range 18, Refugee tract, lying and being in the county of Fairfield.....	372
To amend the act, passed February 26, 1840, entitled "an act to authorize the sale of the northwest quarter of Section 27, township 19, range 18; and the northwest quarter of Section 32, of township 19, range 19; and the southeast quarter of Section 28, of township 19, range 19, in Richland county, belonging to fractional township No. 18, in ranges 18 and 19, in Knox county."....	128

STATE ROADS.

To change the location of a portion of the state road, leading from Rossville to the mouth of the Great Miami River.....	4
To lay out and establish a graded state road, from Harmar, in the county of Washington, by way of Plymouth, in said county, to Athens, in Athens county.....	6
To authorize the commissioners of Wood county to construct so much of the state road, leading from Perrysburg, in Wood county, to Bucyrus, in Crawford county, commonly called the McCutchen-ville Road, as lies between Indiana Avenue, in said Perrysburg,	

BRIDGES—Continued.

To amend the charter of the Miami Bridge Company, passed February 20, 1816.....	351
To amend the act entitled "an act to authorize Levi Whipple and others to erect a tollbridge over the Muskingum river," and the act entitled "an act to authorize Moses Dillon and his associates to erect a tollbridge over the Muskingum river.".....	200
To incorporate the Butler county tollbridge company.....	238
To authorize the counties of Pickaway and Franklin to build a bridge across Big Walnut Creek.....	396
To incorporate the Blanchard River Bridge Commissioners, No. 2..	294

CANALS.

To amend the act entitled "an act to amend the act to incorporate the Perrysburg Canal and Hydraulic Company," passed December 24, 1840.....	32
Further to amend the act entitled "an act incorporating the Milan Canal Company," passed January 24, 1827.....	295
To amend the act entitled "an act to incorporate the Cincinnati and Whitewater Canal Company.....	159

CEMETERIES.

To amend an act entitled an act to incorporate the German Protestant Cemetery, of Cincinnati.....	5
To amend an act to incorporate the German Catholic Cemetery, of Cincinnati.....	7
To incorporate the proprietors of the Cemetery, of Spring Grove..	24
To incorporate the proprietors of the Woodland Cemetery, in Greene county.....	118
To incorporate the Mansfield Cemetery Association, of Richland county.....	398
To incorporate the First German Protestant Cemetery Association, of Cincinnati.....	144

CHURCHES.

To incorporate sundry Churches therein named	423
To amend an act entitled "an act to incorporate the Welsh Calvinistic Methodist Church, of Cincinnati," passed February 8, 1834.....	127
To amend the act to incorporate the First Presbyterian Church, in Clarksfield, Huron county.....	194
To incorporate the Central Presbyterian Congregation, of Cincinnati.	233
To authorize the Trustees of the First Presbyterian Church, of Martinville, in Belmont county, to convey certain real estate.....	264
To incorporate the First Presbyterian Church, of Warren, Trumbull county.	341
To amend an act entitled "an act incorporating the First Presbyterian Society, in Cincinnati," passed January 12, 1807.....	47
To incorporate the Trustees of the Dalton Parsonage of the Methodist Episcopal Church, in Sugarcreek township, Wayne county, Ohio.....	188
To amend the act to incorporate the First Presbyterian Society, of Birmingham, Erie county, Ohio.....	145

COLLEGES.

To amend an act entitled "an act to incorporate the Marietta College."	4
To authorize the establishment of a College of Dental Surgery.....	32
To amend the act incorporating the Granville Literary and Theological Institution.....	54
To incorporate the Trustees of the Protestant University of the United States	345
To incorporate the trustees of the Fort Meigs University.....	80
To incorporate the Board of Directors of Wittenberg College.....	375
To authorize the Trustees of the Cincinnati College to borrow money to erect college buildings.....	376

COUNTIES.

To erect the new county of Wyandott, and alter the boundaries of the county of Crawford	61
Declaratory of the ninth section of the act to erect the new county of Wyandott, and alter the boundaries of the county of Crawford	184
To authorize the Commissioners of Erie county to procure copies of certain records in the county of Huron	21
To authorize the County Commissioners of Delaware county to alter the boundaries of certain townships in Delaware county.	18
To legalize and confirm a mortgage made by the Trustees of the Monroe Academical Association to the Fund Commissioners of said county	256
Directing road taxes, when levied in the counties of Monroe and Belmont, to be levied at the March session of the county Commissioners.....	411
To authorize the Auditor of Butler county to levy a tax for certain purposes	364
To amend the act entitled "act to regulate the Fur Trade, in the counties of Sandusky, Ottawa and Lucas	140
To prevent Nuisances in the county of Cuyahoga	127
To attach a part of the county of Athens to the county of Hocking.	410
To amend an act entitled an act to improve Fisheries, on Sandusky river, within the counties of Seneca and Sandusky, passed March 10, 1843.....	354
To attach the townships of Homer and Marion, in Athens county, and sections Nos. 5, 6, 12, 29, 30, 35 and 36, in Roxbury township, in the county of Washington, to the county of Morgan.....	360
To alter the line between the counties of Franklin and Madison	196
To erect the county of Defiance	191
To authorize the Commissioners of Montgomery county to borrow money	210
To provide for the collection and payment of costs in criminal cases, in the counties of Geauga, Portage and Ashtabula	298
To amend the act entitled "an act to provide for the more permanent improvement of roads and highways, in the county of Hamilton, and for other purposes," passed March 6, 1844.....	168
To clear Killbuck creek, in the county of Wayne, of timber and other obstructions therein and for other purposes.....	240
To authorize Marion and other counties therein named, to subscribe to the capital stock of certain companies to make public improvements	232

COUNTIES—*Continued.*

To fix the fees of Gaugers and Inspectors of domestic spirits, in the county of Hamilton.....	254
To authorize the commissioners of Hardin county to levy an additional tax for road purposes.....	123
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To incorporate the Wooster, Harrisville and Cleveland Plank Road Company.....	332
To incorporate the Black River and Sullivan Plank Road Company	345
To incorporate the Goshen, Blanchester and Martinsville Plank Road Company	317
To amend an act passed January 31, 1845 to incorporate the Milan and Richland Plank Road Company	375

PRIVATE PERSONS.

For the relief of Robert W. Russell, of Cincinnati	20
To authorize certain investments of the fund bequeathed by Mrs. Eunice Buckingham, late of Putnam, in the county of Muskingum, deceased, for the purpose of female education	42
For the relief of Grandison Newell, and others	67
For the relief Jas. Wolcott, of Maumee City	68
To authorize Eliza Holgate to convey real estate for her children....	191
To authorize Robert Noffsinger to construct a dam across the Tuscarawas river, in Tuscarawas county	115
For the relief of James Blair.....	144
To enable the heirs of Martha C. Dudley, to convey certain real estate.....	28
For the relief of Isaac Vail, late Sheriff of Belmont county.....	337
For the relief of Peter Bailey, of Perry county	427
For the relief of Matthew Nichol	400
For the relief of Rowland Rees	367
For the relief of Wm. H. Beard, of Muskingum county, Ohio.....	393
For the relief of Robert W. Mitchell	395
For the relief of the sureties of Wm. Dawson, as Treasurer of Williams county.....	402
Authorizing the personal representatives of Micajah T. Williams, late of Hamilton county, deceased, to complete the contracts of said Williams, made in his lifetime, relative to real estate, and for other purposes.....	247

PRIVATE PERSONS—Continued.

To change the name of Margaret Beckett, and Tamson Lavinia Beckett.....	94
For the relief of Jonathan D. Shultz, of Townsend township, in the county of Sandusky.....	255
For the relief of Lewis Watson.....	143
To confirm the title of John Webster and his assigns, to the east half of the northeast quarter of section number twenty seven, in township number ten, of range number five, east, in the county of Shelby.....	150
For the relief of David Witherow.....	363
To authorize the executors of Thos. S. Perkins, deceased, to sell and convey certain lands.....	366
To authorize the Governor to make a certain Deed.....	99

RAILROADS.

To revive and amend an act entitled "an act to incorporate the Columbus, Delaware, Marion and Sandusky Railroad Company," passed February 8, 1832.....	33
Further to amend an act and the amendatory acts, to incorporate the Sandusky, Toledo and Michigan City Railroad Company..	40
To incorporate the Canton and Akron Railroad Company.....	131
To authorize certain railroad companies herein named, to borrow money. [Madrider and Lake Erie, and Little Miami.].....	146
To incorporate the Wilmington and Toddsfork Railroad Company	241
To amend the act entitled "an act to incorporate the Wayne and Summit Railroad Company.".....	266
To incorporate the Cleveland and Hudson Railroad Company....	225
To incorporate the Dayton and Little Miami Railroad Company...	206
To authorize the Little Miami Railroad Company to locate the line of said railroad between Xenia, in Greene county, and Springfield, in Clark county, on the most suitable and practicable route.....	233
To authorize an extension of the capital of the Mansfield and Sandusky City Railroad Company, and for other purposes.....	274
To incorporate the Madriver and Great Miami Railroad Company..	249
To incorporate the Belpre and Cincinnati Railroad Company.....	280
To revive and amend the act entitled "an act to incorporate the Columbus, Delaware, Marion and Upper Sandusky Railroad Company.".....	300
To amend the act entitled "an act to incorporate the Columbus and Xenia Railroad Company," passed March 12, 1844.....	309
To revive and amend the act entitled "an act to incorporate the Cleveland and Pittsburg Railroad Company," passed March 14, 1836.....	401
To incorporate the Columbus and Lake Erie Railroad Company..	415
To incorporate the Franklin and Ohio River Railroad Company....	419
To revive the act entitled "an act to incorporate the Venice and Margaretta Railroad Company.....	381
To revive the act entitled "an act to incorporate the Cleveland, Columbus and Cincinnati Railroad Company.....	405

RELIGIOUS ASSOCIATIONS.

To incorporate the Calvinistic Book Concern.....	15
To incorporate the Ohio Baptist Book and Tract Society.....	56
To incorporate the Ohio Baptist Education Society.....	86
To incorporate the Putnam Union Sunday School Depository, in Mus- kingum county.....	205

SAVINGS INSTITUTIONS.

To amend the act entitled "an act to incorporate the Cincinnati Savings Institution."	43
To amend the act entitled "an act to incorporate the Mechanics' Savings Institution, of Columbus, Ohio," passed March 17, 1838.	253
To repeal the act amending the act incorporating the Cincinnati Savings Institution, passed January 29, 1845	384

SCHOOLS.

For the relief of the Mount Pleasant Boarding School.....	396
For the support and better regulation of Common Schools, in the city of Columbus.....	57
To incorporate the Vermillion Institute.....	229
To regulate Common Schools in the township of Portland, in the county of Erie	285
To incorporate the Cottage Hill Academy, in Ellsworth, in the county of Trumbull	289
To incorporate the Normal High School, of Carroll county.....	292
For the relief of School District No. 10, in Sugarcreek township, Greene county.....	334
To incorporate the London Academy, in the county of Madison....	384
To incorporate the West Jefferson Academical Institute, in the county of Madison	409

SCHOOL LANDS.

To authorize the trustees of Liberty township, in the county of Seneca, to lease school section 16, in said township....	12
To authorize the sale of the east half of the northwest quarter of section No. 15, in township No. 16, of range 19, Refugee tract, for the use of schools for the township of Liberty, in Fairfield county, and the townships of Harrison and Union, in the county of Licking.....	30
To authorize the sale of school section No. 16, of township 7, north, range 8, east, in Swancreek township, in the county of Lucas....	39
To authorize the trustees of the original surveyed township No. 3, in the 11th range, in Meigs county, to lease, permanently, certain school lands in the counties of Athens and Meigs.....	38
To authorize the sale of school section No. 16, township 9, south, range 4, east, in Amboy township, in the county of Lucas.....	41
To authorize the sale of the west half of section 20, township 18, range 20, lying in Congress township, Richland county, belong- ing to fractional township No. 14, range 21, in the county of Marion, for the use of schools in said fractional township	48

SCHOOL LANDS—*Continued.*

To amend an act entitled "an act to authorize the sale of the east half of the northwest quarter of section No. 15, in township No. 16, of range 19, Refugee tract, for the use of schools, for the township of Liberty, Fairfield county, and the townships of Harrison and Union, in the county of Licking," passed January 21, 1845.....	236
To authorize the treasurer of Wood county to buy in, for the State of Ohio, certain lots of land, in school section 16, in township 1, in the Twelve Mile Reserve, in Lucas county.....	176
To authorize the sale of school section 16, in township 21, range 20, in Richland county, belonging to a fractional part of Sugarcreek township, Stark county, for school purposes.....	224
To authorize the sale of the southwest quarter of section 10, township 21, and range 20, and the southeast quarter of section 9, township 21, and range 20, belonging to a fractional part of Saltcreek township, in Holmes county, for school purposes.....	221
To authorize the sale of school section 16, in the original surveyed township 14, of range 14, in the counties of Perry, Morgan and Muskingum.....	205
To authorize the sale of school section 16, in Sugarcreek township, in the county of Putnam.....	169
To authorize the sale of school section No. 16, Townsend township, in the county of Sandusky.....	115
To authorize the sale of school section No. 16, in Milford township, in the county of Williams.....	99
To authorize the sale of school section 16, in township 7, north, range 4, east, in Brady township, in the county of Williams.....	140
To authorize the sale of school section 16, in township 5, range 15, in Sandusky township, in Sandusky county.....	126
To enable Amos Dye and Charles Atkinson, to surrender their leases to certain school lands.....	120
To amend an act entitled "an act to authorize the revaluation of school section 16, in Riley township, Sandusky county, and to authorize the lessees to surrender their leases, and receive deeds of purchase," passed March 26, 1841.....	146
To authorize the sale of school section 16, in Greene township, Hamilton county, Ohio.....	143
To provide for releasing Ministerial section 29, and school section 16, in Homer township, Athens county.....	270
To authorize the sale of school section No. 16, township 7, north, range 5, east, in German township, in the county of Lucas.....	170
To amend "an act to authorize the sale of the east half of the northwest quarter of section No. 15, in township No. 16, of range 19, Refugee tract, for the use of schools, for the township of Liberty, Fairfield county, and the townships of Harrison and Union, in the county of Licking," passed January 21, 1845.....	236
To authorize the sale of the southwest quarter of section No. 11, township No. 21, and range No. 20, belonging to a fractional part of Paint township, in Holmes county, for school purposes....	325
To authorize the sale of school section 16, in Pulaski township, in the county of Williams, and for the sale of section 16, of original surveyed township No. 15, in Washington township, Marion county.....	357

SCHOOL LANDS—*Continued.*

To authorize the lessees of school section 16, in Perry township, Gallia county, to surrender their leases and receive deeds.....	367
To amend the act to authorize the sale of school section 16, in the township of Chatfield, Crawford county, passed March 5, 1842...	407
To authorize the trustees of original surveyed township 5, in range 4, of the county of Belmont, to lease a part of section 16, in said township.....	397
To authorize the sale of section 16, in township 5, south, range 3, east, in Centre township, in Mercer county.....	18
To authorize the sale of section 16, in Blanchard township, Putnam county, and to legalize certain proceedings of the trustees of said township.....	9
To authorize the sale of section 16, in Tiffin township, Williams county.....	92
To authorize the sale of section 16, Riley township, Putnam county, and to legalize certain proceedings of the trustees of said township.....	22
To authorize the sale of the northeast quarter of section 16, in township 4, range 5, in Monroe county.....	343
To authorize the sale of section 16, in Washington township, Allen county.....	124
To authorize the sale of section 16, in 5th township, and 5th range, in Monroe county.....	364
To authorize the lessees of section 16, township 4, range 17, in York township, in the county of Sandusky, to surrender their leases and take deeds.....	125
To authorize the sale of school section 16, in township 4, north, range 3, east, in Delaware township, in the county of Williams..	256
To amend the act entitled "an act to authorize the sale of the northeast quarter of Section 8, in township 3, of range 12, in Meigs county," passed March 5, 1844.....	344
To authorize the reappraisement of the west half of the southwest quarter of Section No. 15, in township No. 16, range 18, Refugee tract, lying and being in the county of Fairfield.....	372
To amend the act, passed February 26, 1840, entitled "an act to authorize the sale of the northwest quarter of Section 27, township 19, range 18; and the northwest quarter of Section 32, of township 19, range 19; and the southeast quarter of Section 28, of township 19, range 19, in Richland county, belonging to fractional township No. 18, in ranges 18 and 19, in Knox county."...	128

STATE ROADS.

To change the location of a portion of the state road, leading from Rossville to the mouth of the Great Miami River.....	4
To lay out and establish a graded state road, from Harmar, in the county of Washington, by way of Plymouth, in said county, to Athens, in Athens county.....	6
To authorize the commissioners of Wood county to construct so much of the state road, leading from Perrysburg, in Wood county, to Bucyrus, in Crawford county, commonly called the McCutchenville Road, as lies between Indiana Avenue, in said Perrysburg,	

BRIDGES—Continued.

To amend the charter of the Miami Bridge Company, passed February 20, 1816.....	351
To amend the act entitled "an act to authorize Levi Whipple and others to erect a tollbridge over the Muskingum river," and the act entitled "an act to authorize Moses Dillon and his associates to erect a tollbridge over the Muskingum river.".....	200
To incorporate the Butler county tollbridge company.....	238
To authorize the counties of Pickaway and Franklin to build a bridge across Big Walnut Creek.....	396
To incorporate the Blanchard River Bridge Commissioners, No. 2..	294

CANALS.

To amend the act entitled "an act to amend the act to incorporate the Perrysburg Canal and Hydraulic Company," passed December 24, 1840.....	32
Further to amend the act entitled "an act incorporating the Milan Canal Company," passed January 24, 1827.....	295
To amend the act entitled "an act to incorporate the Cincinnati and Whitewater Canal Company.....	159

CEMETERIES.

To amend an act entitled an act to incorporate the German Protestant Cemetery, of Cincinnati.....	5
To amend an act to incorporate the German Catholic Cemetery, of Cincinnati.....	7
To incorporate the proprietors of the Cemetery, of Spring Grove..	24
To incorporate the proprietors of the Woodland Cemetery, in Greene county.....	118
To incorporate the Mansfield Cemetery Association, of Richland county.....	398
To incorporate the First German Protestant Cemetery Association, of Cincinnati.....	144

CHURCHES.

To incorporate sundry Churches therein named	423
To amend an act entitled "an act to incorporate the Welsh Calvinistic Methodist Church, of Cincinnati," passed February 8, 1834.....	127
To amend the act to incorporate the First Presbyterian Church, in Clarksfield, Huron county.....	194
To incorporate the Central Presbyterian Congregation, of Cincinnati.	233
To authorize the Trustees of the First Presbyterian Church, of Martinville, in Belmont county, to convey certain real estate.....	264
To incorporate the First Presbyterian Church, of Warren, Trumbull county.....	341
To amend an act entitled "an act incorporating the First Presbyterian Society, in Cincinnati," passed January 12, 1807.....	47
To incorporate the Trustees of the Dalton Parsonage of the Methodist Episcopal Church, in Sugarcreek township, Wayne county, Ohio.....	188
To amend the act to incorporate the First Presbyterian Society, of Birmingham, Erie county, Ohio.....	145

COLLEGES.

To amend an act entitled "an act to incorporate the Marietta College."	4
To authorize the establishment of a College of Dental Surgery.....	32
To amend the act incorporating the Granville Literary and Theological Institution.....	54
To incorporate the Trustees of the Protestant University of the United States	345
To incorporate the trustees of the Fort Meigs University.....	80
To incorporate the Board of Directors of Wittenberg College.	375
To authorize the Trustees of the Cincinnati College to borrow money to erect college buildings.....	376

COUNTIES.

To erect the new county of Wyandott, and alter the boundaries of the county of Crawford	61
Declaratory of the ninth section of the act to erect the new county of Wyandott, and alter the boundaries of the county of Crawford	184
To authorize the Commissioners of Erie county to procure copies of certain records in the county of Huron.....	21
To authorize the County Commissioners of Delaware county to alter the boundaries of certain townships in Delaware county.	18
To legalize and confirm a mortgage made by the Trustees of the Monroe Academical Association to the Fund Commissioners of said county	256
Directing road taxes, when levied in the counties of Monroe and Belmont, to be levied at the March session of the county Commissioners	411
To authorize the Auditor of Butler county to levy a tax for certain purposes	364
To amend the act entitled "act to regulate the Fur Trade, in the counties of Sandusky, Ottawa and Lucas	140
To prevent Nuisances in the county of Cuyahoga	127
To attach a part of the county of Athens to the county of Hocking.	410
To amend an act entitled an act to improve Fisheries, on Sandusky river, within the counties of Seneca and Sandusky, passed March 10, 1843.....	354
To attach the townships of Homer and Marion, in Athens county, and sections Nos. 6, 6, 12, 29, 30, 35 and 36, in Roxbury township, in the county of Washington, to the county of Morgan.....	360
To alter the line between the counties of Franklin and Madison	196
To erect the county of Defiance.	191
To authorize the Commissioners of Montgomery county to borrow money	210
To provide for the collection and payment of costs in criminal cases, in the counties of Geauga, Portage and Ashtabula.	298
To amend the act entitled "an act to provide for the more permanent improvement of roads and highways, in the county of Hamilton, and for other purposes," passed March 6, 1844	168
To clear Killbuck creek, in the county of Wayne, of timber and other obstructions therein and for other purposes.....	240
To authorize Marion and other counties therein named, to subscribe to the capital stock of certain companies to make public improvements	232

COUNTIES—*Continued.*

To fix the fees of Gaugers and Inspectors of domestic spirits, in the county of Hamilton	254
To authorize the commissioners of Hardin county to levy an additional tax for road purposes	123
To authorize the county commissioners of Meigs county to borrow money	147
To attach Kelley's Island to the county of Erie	300
Further To amend the act to provide for the draining of certain ponds, in the county of Butler, passed March 2, 1838	93
To authorize the commissioners of Hancock county to subscribe to the capital stock of the Madriver and Lake Erie Railroad Company, for the purposes herein specified	109
To authorize the commissioners of Clark county to subscribe to the capital stock of the Little Miami Railroad Company	46
To authorize the counties of Pickaway and Franklin to build a bridge across Big Walnut Creek	396

DIVORCES.

To divorce Aaron Glass from his wife Mary Glass	312
To divorce Susan M. Swan from her husband Mortimer D. Swan	385
To divorce Sarah Birch from her husband Squire Birch	382

FORFEITED LANDS.

To provide for the sale of forfeited lands and lots in Wood county	100
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FIRE COMPANIES.

To incorporate a Fire Company in the town of Zoar, in the county of Tuscarawas	16
To amend the act entitled "an act to incorporate the Western Engine and Hose Company, of Cincinnati."	47
To incorporate the Volunteer Hook and Ladder Company, number one, in the town of Miamisburg, Montgomery county, Ohio	79
To incorporate the Mount Vernon Hook and Ladder Company	156
To incorporate the Bainbridge Hook and Ladder Company	245
To incorporate a Hook and Ladder Company in the town of Marysville, in the county of Union	220
To incorporate the Franklin Fire Engine and Hose Company, of Cincinnati	310
To incorporate the Chesterville Hook and Ladder Company	342

INSURANCE COMPANIES.

To amend an act entitled "an act to incorporate the Montgomery County Mutual Fire Insurance Company," passed February 3, 1844	3
To incorporate the Ravenna Mutual Fire Insurance Company	134
To incorporate the Mutual Life Insurance Company of Ohio	105
To amend the act entitled "an act to incorporate the Ohio Mutual Fire Insurance Company," passed March 11, 1843	130
To incorporate the Merchants' Mutual Safety Insurance Company of Cincinnati	306

INSURANCE COMPANIES—*Continued.*

To incorporate the Central Ohio Insurance Company of Licking county	319
To amend an act entitled "an act to incorporate the Fireman's Insurance Company of Dayton," passed February 23, 1835.....	301

LITERARY ASSOCIATIONS.

To incorporate the Young Men's Book Association of West Canaan, in the county of Madison	61
To incorporate the German Library Association, of Cincinnati....	64
To incorporate the New Carlisle Social Library Company and the Library Association of Harlem, in Carroll county.....	68
To incorporate the Tallmadge Library Association, in the county of Summit.....	70
To incorporate the Miamisburg Library Association.....	274
To incorporate the Linton Library Association, of the county of Coshocton.....	389
To incorporate certain literary societies	361

LODGES.

To incorporate the Muskingum Lodge, No. 28, of the Independent Order of Odd Fellows, at Zanesville, Ohio.....	255
To incorporate the Master, Wardens and Brethren, of Mansfield Lodge, No. 35.....	172
To incorporate the Piqua Lodge, No. 8, of the Independent Order of Odd Fellows, of the State of Ohio	142
To incorporate the Master, Wardens and Brethren, of the Washington Lodge, No. 17, of Hamilton, Ohio.....	141
To incorporate the Olive Branch Lodge, Lodge, No. 34, of the Independent Order of Odd Fellows, of Newark, Ohio, and other Lodges therein named, [these Lodges are, Mahoning Lodge, No. 29, Warren, Trumbull county; Lafayette Lodge, No. 25, Hillsborough, Highland county.].....	123
To amend the act entitled "an act to incorporate the Montgomery Lodge, No. 5, of the Independent Order of Odd Fellows, of Dayton, Ohio," passed February 2, 1840.....	149
To incorporate the Springfield Lodge, No. 33, of the Independent Order of Fellows, at Springfield, Clark county	42
To incorporate the Minerva Lodge, No. 98, of Free and Accepted Masons, of Miamisburg, in Montgomery county.....	361
To incorporate the Central Lodge, No. 23, of the Independent Order of Odd Fellows, of Columbus, Ohio; and Harmony Lodge, No. 14, of the Independent Order of Odd Fellows, at Rossville, Butler county	380
To authorize the Master and Wardens of Nova Cesarea Harmony Lodge, No. 2, to borrow money.....	373
To incorporate the Wayne Lodge, No. 10, of the Independent Order of Odd Fellows, at Dayton, Ohio.....	396

MINISTERIAL LANDS.

To authorize the lessees of Section 29, in the original surveyed township No. 3, and range 3, in Butler county, to surrender their leases and receive deeds	14
To authorize the lessees of Section 29, in township No. 4, in third Range, in Warren county, to surrender their leases	28
To authorize the lessees of Section No. 29, in township No. 4, in the Second Range, in Warren county, to surrender their leases and take deeds	406
To authorize the sale of Ministerial Section, No. 29, in Scipio township, in the county of Meigs	155
To provide for releasing Ministerial Section 29, and School Section 16, in Homer township, Athens county	270

MISCELLANEOUS ASSOCIATIONS.

To incorporate the Firemen's General Association, of the city of Cleveland	110
To incorporate the Cincinnati Firewood Company	45
To incorporate the trustees and subscribers of the new Orphan's Asylum, for colored children, of Cincinnati	101
To incorporate the Dayton Hydraulic Company	148
To incorporate the Dayton Water Company	152
To incorporate the Dayton Manufacturing Company	194
To provide for the settlement of the affairs of the Cuyahoga Falls Real Estate Association	222
To incorporate the German Tailor's Benevolent Society, of Cincinnati	175
To incorporate the German Tailor's Trades Union, of Cincinnati ..	165
To incorporate the Ohio Iron Manufacturing Company	330
For the incorporation of the Ohio Division, No. 1, of the Sons of Temperance	261
To incorporate the Royalton Steam Mill Company, in the county of Lucas	265
To incorporate the New England Society, of Cincinnati	187
To incorporate the Cincinnati Horticultural Society	246
To incorporate the Carrollton Band, of Carroll county	236
To incorporate the German Benevolent Society of Newark, Licking county	218
To incorporate the East Bronson Burial Ground Society	198
To amend the act entitled "an act to incorporate the Port Washington Manufacturing Company," passed February 14, 1838	304
Further to amend the act incorporating the Hamilton and Rossville Hydraulic Company	391
To repeal so much of an act to amend an act entitled "an act to incorporate the North Union School Association, of Carroll county," passed March 15, 1837, as relates to the fifth school district, in Union township, and for other purposes	213
To explain the act to incorporate the Cincinnati Astronomical Society	215

**NEW COUNTIES,
SEE COUNTIES.**

MEDICAL INSTITUTIONS AND ASSOCIATIONS.

To amend the act entitled "an act to incorporate the Summit county Medical Society," passed March 12, 1844.....	141
To incorporate the trustees of the Medical Institute of Cincinnati, to be located in Cincinnati	357
To incorporate the Hunterian Society of the Medical Department of the Western Reserve College	130

PLANK ROADS.

To incorporate the Huron Plank Road Company.....	111
To incorporate the Milan and Richland Plank Road Company.....	49
To incorporate the Newark Plank Road Company	268
To incorporate the Wooster, Medina and Cuyahoga Plank Road Company	157
To incorporate the Millersburg and Wooster Plank Road Company	262
To incorporate the Wooster, Harrisville and Cleveland Plank Road Company.....	332
To incorporate the Black River and Sullivan Plank Road Company	345
To incorporate the Goshen, Blanchester and Martinsville Plank Road Company	317
To amend an act passed January 31, 1845 to incorporate the Milan and Richland Plank Road Company	375

PRIVATE PERSONS.

For the relief of Robert W. Russell, of Cincinnati.	20
To authorize certain investments of the fund bequeathed by Mrs. Eunice Buckingham, late of Putnam, in the county of Muskingum, deceased, for the purpose of female education	42
For the relief of Grandison Newell, and others	67
For the relief Jas. Wolcott, of Maumee City	66
To authorize Eliza Holgate to convey real estate for her children	191
To authorize Robert Noffsinger to construct a dam across the Tuscarawas river, in Tuscarawas county	115
For the relief of James Blair.....	144
To enable the heirs of Martha C. Dudley, to convey certain real estate.....	28
For the relief of Isaac Vail, late Sheriff of Belmont county.....	337
For the relief of Peter Bailey, of Perry county	427
For the relief of Matthew Nichol	400
For the relief of Rowland Rees	367
For the relief of Wm. H. Beard, of Muskingum county, Ohio.....	383
For the relief of Robert W. Mitchell	395
For the relief of the sureties of Wm. Dawson, as Treasurer of Williams county.....	402
Authorizing the personal representatives of Micaiah T. Williams, late of Hamilton county, deceased, to complete the contracts of said Williams, made in his lifetime, relative to real estate, and for other purposes.....	247

PRIVATE PERSONS—Continued.

To change the name of Margaret Beckett, and Tamson Lavinia Beckett.....	94
For the relief of Jonathan D. Shultz, of Townsend township, in the county of Sandusky.....	255
For the relief of Lewis Watson.....	143
To confirm the title of John Webster and his assigns, to the east half of the northeast quarter of section number twenty seven, in township number ten, of range number five, east, in the county of Shelby.....	150
For the relief of David Witherow.....	363
To authorize the executors of Thos. S. Perkins, deceased, to sell and convey certain lands.....	366
To authorize the Governor to make a certain Deed.....	99

RAILROADS.

To revive and amend an act entitled "an act to incorporate the Columbus, Delaware, Marion and Sandusky Railroad Company," passed February 8, 1832.....	33
Further to amend an act and the amendatory acts, to incorporate the Sandusky, Toledo and Michigan City Railroad Company..	40
To incorporate the Canton and Akron Railroad Company.....	131
To authorize certain railroad companies herein named, to borrow money. [Madraver and Lake Erie, and Little Miami.].....	146
To incorporate the Wilmington and Toddsfork Railroad Company	241
To amend the act entitled "an act to incorporate the Wayne and Summit Railroad Company.".....	266
To incorporate the Cleveland and Hudson Railroad Company....	225
To incorporate the Dayton and Little Miami Railroad Company....	206
To authorize the Little Miami Railroad Company to locate the line of said railroad between Xenia, in Greene county, and Springfield, in Clark county, on the most suitable and practicable route.....	233
To authorize an extension of the capital of the Mansfield and Sandusky City Railroad Company, and for other purposes.....	274
To incorporate the Madriver and Great Miami Railroad Company..	249
To incorporate the Belpre and Cincinnati Railroad Company.....	280
To revive and amend the act entitled "an act to incorporate the Columbus, Delaware, Marion and Upper Sandusky Railroad Company.".....	300
To amend the act entitled "an act to incorporate the Columbus and Xenia Railroad Company," passed March 12, 1844.....	309
To revive and amend the act entitled "an act to incorporate the Cleveland and Pittsburg Railroad Company," passed March 14, 1836.....	401
To incorporate the Columbus and Lake Erie Railroad Company..	415
To incorporate the Franklin and Ohio River Railroad Company....	419
To revive the act entitled "an act to incorporate the Venice and Margaretta Railroad Company.....	381
To revive the act entitled "an act to incorporate the Cleveland, Columbus and Cincinnati Railroad Company.....	405

RELIGIOUS ASSOCIATIONS.

To incorporate the Calvinistic Book Concern.....	15
To incorporate the Ohio Baptist Book and Tract Society.....	56
To incorporate the Ohio Baptist Education Society.....	86
To incorporate the Putnam Union Sunday School Depository, in Muskingum county.....	205

SAVINGS INSTITUTIONS.

To amend the act entitled "an act to incorporate the Cincinnati Savings Institution."	43
To amend the act entitled "an act to incorporate the Mechanics' Savings Institution, of Columbus, Ohio," passed March 17, 1838.	253
To repeal the act amending the act incorporating the Cincinnati Savings Institution, passed January 29, 1845	384

SCHOOLS.

For the relief of the Mount Pleasant Boarding School.....	396
For the support and better regulation of Common Schools, in the city of Columbus.....	57
To incorporate the Vermillion Institute.....	229
To regulate Common Schools in the township of Portland, in the county of Erie	285
To incorporate the Cottage Hill Academy, in Ellsworth, in the county of Trumbull	289
To incorporate the Normal High School, of Carroll county.....	292
For the relief of School District No. 10, in Sugarcreek township, Greene county.....	334
To incorporate the London Academy, in the county of Madison....	364
To incorporate the West Jefferson Academical Institute, in the county of Madison	409

SCHOOL LANDS.

To authorize the trustees of Liberty township, in the county of Seneca, to lease school section 16, in said township....	12
To authorize the sale of the east half of the northwest quarter of section No. 15, in township No. 16, of range 19, Refugee tract, for the use of schools for the township of Liberty, in Fairfield county, and the townships of Harrison and Union, in the county of Licking.....	30
To authorize the sale of school section No. 16, of township 7, north, range 8, east, in Swancreek township, in the county of Lucas...	39
To authorize the trustees of the original surveyed township No. 3, in the 11th range, in Meigs county, to lease, permanently, certain school lands in the counties of Athens and Meigs.....	38
To authorize the sale of school section No. 16, township 9, south, range 4, east, in Amboy township, in the county of Lucas.....	41
To authorize the sale of the west half of section 20, township 18, range 20, lying in Congress township, Richland county, belonging to fractional township No. 14, range 21, in the county of Marion, for the use of schools in said fractional township	48

SCHOOL LANDS—*Continued.*

To amend an act entitled "an act to authorize the sale of the east half of the northwest quarter of section No. 15, in township No. 16, of range 19, Refugee tract, for the use of schools, for the township of Liberty, Fairfield county, and the townships of Harrison and Union, in the county of Licking," passed January 21, 1845.....	236
To authorize the treasurer of Wood county to buy in, for the State of Ohio, certain lots of land, in school section 16, in township 1, in the Twelve Mile Reserve, in Lucas county.....	176
To authorize the sale of school section 16, in township 21, range 20, in Richland county, belonging to a fractional part of Sugarcreek township, Stark county, for school purposes.....	224
To authorize the sale of the southwest quarter of section 10, township 21, and range 20, and the southeast quarter of section 9, township 21, and range 20, belonging to a fractional part of Saltcreek township, in Holmes county, for school purposes.....	221
To authorize the sale of school section 16, in the original surveyed township 14, of range 14, in the counties of Perry, Morgan and Muskingum.....	205
To authorize the sale of school section 16, in Sugarcreek township, in the county of Putnam.....	169
To authorize the sale of school section No. 16, Townsend township, in the county of Sandusky.....	115
To authorize the sale of school section No. 16, in Milford township, in the county of Williams.....	99
To authorize the sale of school section 16, in township 7, north, range 4, east, in Brady township, in the county of Williams.....	140
To authorize the sale of school section 16, in township 5, range 15, in Sandusky township, in Sandusky county.....	126
To enable Amos Dye and Charles Atkinson, to surrender their leases to certain school lands.....	120
To amend an act entitled "an act to authorize the revaluation of school section 16, in Riley township, Sandusky county, and to authorize the lessees to surrender their leases, and receive deeds of purchase," passed March 26, 1841.....	146
To authorize the sale of school section 16, in Greene township, Hamilton county, Ohio.....	143
To provide for releasing Ministerial section 29, and school section 16, in Homer township, Athens county.....	270
To authorize the sale of school section No. 16, township 7, north, range 5, east, in German township, in the county of Lucas.....	170
To amend "an act to authorize the sale of the east half of the northwest quarter of section No. 15, in township No. 16, of range 19, Refugee tract, for the use of schools, for the township of Liberty, Fairfield county, and the townships of Harrison and Union, in the county of Licking," passed January 21, 1845.....	236
To authorize the sale of the southwest quarter of section No. 11, township No. 21, and range No. 20, belonging to a fractional part of Paint township, in Holmes county, for school purposes.....	325
To authorize the sale of school section 16, in Pulaski township, in the county of Williams, and for the sale of section 16, of original surveyed township No. 15, in Washington township, Marion county.....	357

SCHOOL LANDS—*Continued.*

To authorize the lessees of school section 16, in Perry township, Gallia county, to surrender their leases and receive deeds.....	367
To amend the act to authorize the sale of school section 16, in the township of Chatfield, Crawford county, passed March 5, 1842...	407
To authorize the trustees of original surveyed township 5, in range 4, of the county of Belmont, to lease a part of section 16, in said township.....	397
To authorize the sale of section 16, in township 5, south, range 3, east, in Centre township, in Mercer county.....	18
To authorize the sale of section 16, in Blanchard township, Putnam county, and to legalize certain proceedings of the trustees of said township.....	9
To authorize the sale of section 16, in Tiffin township, Williams county.....	92
To authorize the sale of section 16, Riley township, Putnam county, and to legalize certain proceedings of the trustees of said township.....	22
To authorize the sale of the northeast quarter of section 16, in township 4, range 5, in Monroe county.....	343
To authorize the sale of section 16, in Washington township, Allen county.....	124
To authorize the sale of section 16, in 5th township, and 5th range, in Monroe county.....	364
To authorize the lessees of section 16, township 4, range 17, in York township, in the county of Sandusky, to surrender their leases and take deeds.....	125
To authorize the sale of school section 16, in township 4, north, range 3, east, in Delaware township, in the county of Williams..	256
To amend the act entitled "an act to authorize the sale of the northeast quarter of Section 8, in township 3, of range 12, in Meigs county," passed March 5, 1844.....	344
To authorize the reappraisal of the west half of the southwest quarter of Section No. 15, in township No. 16, range 18, Refugee tract, lying and being in the county of Fairfield.....	372
To amend the act, passed February 26, 1840, entitled "an act to authorize the sale of the northwest quarter of Section 27, township 19, range 18; and the northwest quarter of Section 32, of township 19, range 19; and the southeast quarter of Section 28, of township 19, range 19, in Richland county, belonging to fractional township No. 18, in ranges 18 and 19, in Knox county."....	128

STATE ROADS.

To change the location of a portion of the state road, leading from Rossville to the mouth of the Great Miami River.....	4
To lay out and establish a graded state road, from Harmar, in the county of Washington, by way of Plymouth, in said county, to Athens, in Athens county.....	6
To authorize the commissioners of Wood county to construct so much of the state road, leading from Perrysburg, in Wood county, to Bucyrus, in Crawford county, commonly called the McCutchen-ville Road, as lies between Indiana Avenue, in said Perrysburg,	

BRIDGES—Continued.

To amend the charter of the Miami Bridge Company, passed February 20, 1816.....	351
To amend the act entitled "an act to authorize Levi Whipple and others to erect a tollbridge over the Muskingum river," and the act entitled "an act to authorize Moses Dillon and his associates to erect a tollbridge over the Muskingum river.".....	200
To incorporate the Butler county tollbridge company.....	238
To authorize the counties of Pickaway and Franklin to build a bridge across Big Walnut Creek.....	396
To incorporate the Blanchard River Bridge Commissioners, No. 2..	294

CANALS.

To amend the act entitled "an act to amend the act to incorporate the Perrysburg Canal and Hydraulic Company," passed December 24, 1840.....	32
Further to amend the act entitled "an act incorporating the Milan Canal Company," passed January 24, 1827.....	295
To amend the act entitled "an act to incorporate the Cincinnati and Whitewater Canal Company.....	159

CEMETERIES.

To amend an act entitled an act to incorporate the German Protestant Cemetery, of Cincinnati.....	5
To amend an act to incorporate the German Catholic Cemetery, of Cincinnati.....	7
To incorporate the proprietors of the Cemetery, of Spring Grove..	24
To incorporate the proprietors of the Woodland Cemetery, in Greene county.....	118
To incorporate the Mansfield Cemetery Association, of Richland county.....	398
To incorporate the First German Protestant Cemetery Association, of Cincinnati.....	144

CHURCHES.

To incorporate sundry Churches therein named	423
To amend an act entitled "an act to incorporate the Welsh Calvinistic Methodist Church, of Cincinnati," passed February 8, 1834.....	127
To amend the act to incorporate the First Presbyterian Church, in Clarksfield, Huron county.....	194
To incorporate the Central Presbyterian Congregation, of Cincinnati.	233
To authorize the Trustees of the First Presbyterian Church, of Martinville, in Belmont county, to convey certain real estate.....	264
To incorporate the First Presbyterian Church, of Warren, Trumbull county.....	341
To amend an act entitled "an act incorporating the First Presbyterian Society, in Cincinnati," passed January 12, 1807.....	47
To incorporate the Trustees of the Dalton Parsonage of the Methodist Episcopal Church, in Sugarcreek township, Wayne county, Ohio.....	188
To amend the act to incorporate the First Presbyterian Society, of Birmingham, Erie county, Ohio.....	145

COLLEGES.

To amend an act entitled "an act to incorporate the Marietta College."	4
To authorize the establishment of a College of Dental Surgery.....	32
To amend the act incorporating the Granville Literary and Theological Institution.....	54
To incorporate the Trustees of the Protestant University of the United States	345
To incorporate the trustees of the Fort Meigs University.....	80
To incorporate the Board of Directors of Wittenberg College.....	375
To authorize the Trustees of the Cincinnati College to borrow money to erect college buildings.....	376

COUNTIES.

To erect the new county of Wyandott, and alter the boundaries of the county of Crawford	61
Declaratory of the ninth section of the act to erect the new county of Wyandott, and alter the boundaries of the county of Crawford	184
To authorize the Commissioners of Erie county to procure copies of certain records in the county of Huron	21
To authorize the County Commissioners of Delaware county to alter the boundaries of certain townships in Delaware county.	18
To legalize and confirm a mortgage made by the Trustees of the Monroe Academical Association to the Fund Commissioners of said county	256
Directing road taxes, when levied in the counties of Monroe and Belmont, to be levied at the March session of the county Commissioners	411
To authorize the Auditor of Butler county to levy a tax for certain purposes	364
To amend the act entitled "act to regulate the Fur Trade, in the counties of Sandusky, Ottawa and Lucas	140
To prevent Nuisances in the county of Cuyahoga	127
To attach a part of the county of Athens to the county of Hocking.	410
To amend an act entitled an act to improve Fisheries, on Sandusky river, within the counties of Seneca and Sandusky, passed March 10, 1843.....	354
To attach the townships of Homer and Marion, in Athens county, and sections Nos. 5, 6, 12, 29, 30, 35 and 36, in Roxbury township, in the county of Washington, to the county of Morgan.....	360
To alter the line between the counties of Franklin and Madison	196
To erect the county of Defiance	191
To authorize the Commissioners of Montgomery county to borrow money	210
To provide for the collection and payment of costs in criminal cases, in the counties of Geauga, Portage and Ashtabula	298
To amend the act entitled "an act to provide for the more permanent improvement of roads and highways, in the county of Hamilton, and for other purposes," passed March 6, 1844.....	168
To clear Killbuck creek, in the county of Wayne, of timber and other obstructions therein and for other purposes	240
To authorize Marion and other counties therein named, to subscribe to the capital stock of certain companies to make public improvements	232

COUNTIES—*Continued.*

To fix the fees of Gaugers and Inspectors of domestic spirits, in the county of Hamilton.....	254
To authorize the commissioners of Hardin county to levy an additional tax for road purposes.....	123
To authorize the county commissioners of Meigs county to borrow money	147
To attach Kelley's Island to the county of Erie.....	300
Further to amend the act to provide for the draining of certain ponds, in the county of Butler, passed March 2, 1838.....	93
To authorize the commissioners of Hancock county to subscribe to the capital stock of the Madriver and Lake Erie Railroad Company, for the purposes herein specified.....	109
To authorize the commissioners of Clark county to subscribe to the capital stock of the Little Miami Railroad Company.....	46
To authorize the counties of Pickaway and Franklin to build a bridge across Big Walnut Creek.....	396

DIVORCES.

To divorce Aaron Glass from his wife Mary Glass.....	312
To divorce Susan M. Swan from her husband Mortimer D. Swan	385
To divorce Sarah Birch from her husband Squire Birch.....	382

FORFEITED LANDS.

To provide for the sale of forfeited lands and lots in Wood county..	100
--	-----

FIRE COMPANIES.

To incorporate a Fire Company in the town of Zoar, in the county of Tuscarawas	16
To amend the act entitled "an act to incorporate the Western Engine and Hose Company, of Cincinnati."	47
To incorporate the Volunteer Hook and Ladder Company, number one, in the town of Miamisburg, Montgomery county, Ohio	79
To incorporate the Mount Vernon Hook and Ladder Company....	156
To incorporate the Bainbridge Hook and Ladder Company.....	245
To incorporate a Hook and Ladder Company in the town of Marysville, in the county of Union.....	220
To incorporate the Franklin Fire Engine and Hose Company, of Cincinnati	310
To incorporate the Chesterville Hook and Ladder Company.....	342

INSURANCE COMPANIES.

To amend an act entitled "an act to incorporate the Montgomery County Mutual Fire Insurance Company," passed February 3, 1844	3
To incorporate the Ravenna Mutual Fire Insurance Company.....	134
To incorporate the Mutual Life Insurance Company of Ohio.....	105
To amend the act entitled "an act to incorporate the Ohio Mutual Fire Insurance Company," passed March 11, 1843.	130
To incorporate the Merchants' Mutual Safety Insurance Company of Cincinnati.....	306

INSURANCE COMPANIES—*Continued.*

To incorporate the Central Ohio Insurance Company of Licking county	319
To amend an act entitled "an act to incorporate the Fireman's Insurance Company of Dayton," passed February 23, 1835	301

LITERARY ASSOCIATIONS.

To incorporate the Young Men's Book Association of West Canaan, in the county of Madison	61
To incorporate the German Library Association, of Cincinnati	64
To incorporate the New Carlisle Social Library Company and the Library Association of Harlem, in Carroll county	68
To incorporate the Tallmadge Library Association, in the county of Summit	70
To incorporate the Miamisburg Library Association	274
To incorporate the Linton Library Association, of the county of Coshocton	389
To incorporate certain literary societies	361

LODGES.

To incorporate the Muskingum Lodge, No. 28, of the Independent Order of Odd Fellows, at Zanesville, Ohio	255
To incorporate the Master, Wardens and Brethren, of Mansfield Lodge, No. 35	172
To incorporate the Piqua Lodge, No. 8, of the Independent Order of Odd Fellows, of the State of Ohio	142
To incorporate the Master, Wardens and Brethren, of the Washington Lodge, No. 17, of Hamilton, Ohio	141
To incorporate the Olive Branch Lodge, Lodge, No. 34, of the Independent Order of Odd Fellows, of Newark, Ohio, and other Lodges therein named, [these Lodges are, Mahoning Lodge, No. 29, Warren, Trumbull county; Lafayette Lodge, No. 25, Hillsborough, Highland county.]	123
To amend the act entitled "an act to incorporate the Montgomery Lodge, No. 5, of the Independent Order of Odd Fellows, of Dayton, Ohio," passed February 2, 1840	149
To incorporate the Springfield Lodge, No. 33, of the Independent Order of Fellows, at Springfield, Clark county	42
To incorporate the Minerva Lodge, No. 98, of Free and Accepted Masons, of Miamisburg, in Montgomery county	361
To incorporate the Central Lodge, No. 23, of the Independent Order of Odd Fellows, of Columbus, Ohio; and Harmony Lodge, No. 14, of the Independent Order of Odd Fellows, at Rossville, Butler county	380
To authorize the Master and Wardens of Nova Cesarea Harmony Lodge, No. 2, to borrow money	373
To incorporate the Wayne Lodge, No. 10, of the Independent Order of Odd Fellows, at Dayton, Ohio	396

MINISTERIAL LANDS.

To authorize the lessees of Section 29, in the original surveyed township No. 3, and range 3, in Butler county, to surrender their leases and receive deeds	14
To authorize the lessees of Section 29, in township No. 4, in third Range, in Warren county, to surrender their leases	28
To authorize the lessees of Section No. 29, in township No. 4, in the Second Range, in Warren county, to surrender their leases and take deeds	406
To authorize the sale of Ministerial Section, No. 29, in Scipio township, in the county of Meigs	155
To provide for releasing Ministerial Section 29, and School Section 16, in Homer township, Athens county	270

MISCELLANEOUS ASSOCIATIONS.

To incorporate the Firemen's General Association, of the city of Cleveland	110
To incorporate the Cincinnati Firewood Company	45
To incorporate the trustees and subscribers of the new Orphan's Asylum, for colored children, of Cincinnati	101
To incorporate the Dayton Hydraulic Company	148
To incorporate the Dayton Water Company	152
To incorporate the Dayton Manufacturing Company	194
To provide for the settlement of the affairs of the Cuyahoga Falls Real Estate Association	222
To incorporate the German Tailor's Benevolent Society, of Cincinnati	175
To incorporate the German Tailor's Trades Union, of Cincinnati ..	165
To incorporate the Ohio Iron Manufacturing Company	330
For the incorporation of the Ohio Division, No. 1, of the Sons of Temperance	261
To incorporate the Royalton Steam Mill Company, in the county of Lucas	265
To incorporate the New England Society, of Cincinnati	187
To incorporate the Cincinnati Horticultural Society	246
To incorporate the Carrollton Band, of Carroll county	236
To incorporate the German Benevolent Society of Newark, Licking county	218
To incorporate the East Bronson Burial Ground Society ..	198
To amend the act entitled "an act to incorporate the Port Washington Manufacturing Company," passed February 14, 1838	304
Further to amend the act incorporating the Hamilton and Rossville Hydraulic Company	391
To repeal so much of an act to amend an act entitled "an act to incorporate the North Union School Association, of Carroll county," passed March 15, 1837, as relates to the fifth school district, in Union township, and for other purposes	213
To explain the act to incorporate the Cincinnati Astronomical Society	215

**NEW COUNTIES,
SEE COUNTIES.**

MEDICAL INSTITUTIONS AND ASSOCIATIONS.

To amend the act entitled "an act to incorporate the Summit county Medical Society," passed March 12, 1844.....	141
To incorporate the trustees of the Medical Institute of Cincinnati, to be located in Cincinnati	357
To incorporate the Hunterian Society of the Medical Department of the Western Reserve College	130

PLANK ROADS.

To incorporate the Huron Plank Road Company.....	111
To incorporate the Milan and Richland Plank Road Company.....	49
To incorporate the Newark Plank Road Company	268
To incorporate the Wooster, Medina and Cuyahoga Plank Road Company	157
To incorporate the Millersburg and Wooster Plank Road Company	262
To incorporate the Wooster, Harrisville and Cleveland Plank Road Company.....	332
To incorporate the Black River and Sullivan Plank Road Company	345
To incorporate the Goshen, Blanchester and Martinsville Plank Road Company	317
To amend an act passed January 31, 1845 to incorporate the Milan and Richland Plank Road Company	375

PRIVATE PERSONS.

For the relief of Robert W. Russell, of Cincinnati.	20
To authorize certain investments of the fund bequeathed by Mrs. Eunice Buckingham, late of Putnam, in the county of Muskingum, deceased, for the purpose of female education	42
For the relief of Grandison Newell, and others	67
For the relief Jas. Wolcott, of Maumee City	66
To authorize Eliza Holgate to convey real estate for her children....	191
To authorize Robert Noffsinger to construct a dam across the Tuscarawas river, in Tuscarawas county	115
For the relief of James Blair.....	144
To enable the heirs of Martha C. Dudley, to convey certain real estate.....	28
For the relief of Isaac Vail, late Sheriff of Belmont county.....	337
For the relief of Peter Bailey, of Perry county	427
For the relief of Matthew Nichol	400
For the relief of Rowland Rees	367
For the relief of Wm. H. Beard, of Muskingum county, Ohio.....	393
For the relief of Robert W. Mitchell	395
For the relief of the sureties of Wm. Dawson, as Treasurer of Williams county.....	402
Authorizing the personal representatives of Micsjah T. Williams, late of Hamilton county, deceased, to complete the contracts of said Williams, made in his lifetime, relative to real estate, and for other purposes.....	247

PRIVATE PERSONS—*Continued.*

To change the name of Margaret Beckett, and Tamson Lavinia Beckett.....	94
For the relief of Jonathan D. Shultz, of Townsend township, in the county of Sandusky.....	255
For the relief of Lewis Watson.....	143
To confirm the title of John Webster and his assigns, to the east half of the northeast quarter of section number twenty seven, in township number ten, of range number five, east, in the county of Shelby.....	150
For the relief of David Witherow.....	363
To authorize the executors of Thos. S. Perkins, deceased, to sell and convey certain lands.....	366
To authorize the Governor to make a certain Deed.....	99

RAILROADS.

To revive and amend an act entitled "an act to incorporate the Columbus, Delaware, Marion and Sandusky Railroad Company," passed February 8, 1832.....	33
Further to amend an act and the amendatory acts, to incorporate the Sandusky, Toledo and Michigan City Railroad Company..	40
To incorporate the Canton and Akron Railroad Company.....	131
To authorize certain railroad companies herein named, to borrow money. [Madrider and Lake Erie, and Little Miami.].....	146
To incorporate the Wilmington and Toddsfork Railroad Company	241
To amend the act entitled "an act to incorporate the Wayne and Summit Railroad Company."... ..	266
To incorporate the Cleveland and Hudson Railroad Company....	225
To incorporate the Dayton and Little Miami Railroad Company....	206
To authorize the Little Miami Railroad Company to locate the line of said railroad between Xenia, in Greene county, and Springfield, in Clark county, on the most suitable and practicable route.....	233
To authorize an extension of the capital of the Mansfield and Sandusky City Railroad Company, and for other purposes	274
To incorporate the Madriver and Great Miami Railroad Company..	249
To incorporate the Belpre and Cincinnati Railroad Company.....	280
To revive and amend the act entitled "an act to incorporate the Columbus, Delaware, Marion and Upper Sandusky Railroad Company."	300
To amend the act entitled "an act to incorporate the Columbus and Xenia Railroad Company," passed March 12, 1844.....	309
To revive and amend the act entitled "an act to incorporate the Cleveland and Pittsburg Railroad Company," passed March 14, 1836.....	401
To incorporate the Columbus and Lake Erie Railroad Company..	415
To incorporate the Franklin and Ohio River Railroad Company....	419
To revive the act entitled "an act to incorporate the Venice and Margaretta Railroad Company	381
To revive the act entitled "an act to incorporate the Cleveland, Columbus and Cincinnati Railroad Company	405

RELIGIOUS ASSOCIATIONS.

To incorporate the Calvinistic Book Concern.....	15
To incorporate the Ohio Baptist Book and Tract Society.....	56
To incorporate the Ohio Baptist Education Society.....	86
To incorporate the Putnam Union Sunday School Depository, in Muskingum county.....	205

SAVINGS INSTITUTIONS.

To amend the act entitled "an act to incorporate the Cincinnati Savings Institution."	43
To amend the act entitled "an act to incorporate the Mechanics' Savings Institution, of Columbus, Ohio," passed March 17, 1838.	253
To repeal the act amending the act incorporating the Cincinnati Savings Institution, passed January 29, 1845	384

SCHOOLS.

For the relief of the Mount Pleasant Boarding School.....	398
For the support and better regulation of Common Schools, in the city of Columbus.....	57
To incorporate the Vermillion Institute.....	229
To regulate Common Schools in the township of Portland, in the county of Erie	285
To incorporate the Cottage Hill Academy, in Ellsworth, in the county of Trumbull	289
To incorporate the Normal High School, of Carroll county.....	292
For the relief of School District No. 10, in Sugarcreek township, Greene county.....	334
To incorporate the London Academy, in the county of Madison....	384
To incorporate the West Jefferson Academical Institute, in the county of Madison	409

SCHOOL LANDS.

To authorize the trustees of Liberty township, in the county of Seneca, to lease school section 16, in said township....	12
To authorize the sale of the east half of the northwest quarter of section No. 15, in township No. 16, of range 19, Refugee tract, for the use of schools for the township of Liberty, in Fairfield county, and the townships of Harrison and Union, in the county of Licking.....	30
To authorize the sale of school section No. 16, of township 7, north, range 8, east, in Swancreek township, in the county of Lucas...	39
To authorize the trustees of the original surveyed township No. 3, in the 11th range, in Meigs county, to lease, permanently, certain school lands in the counties of Athens and Meigs.....	38
To authorize the sale of school section No. 16, township 9, south, range 4, east, in Amboy township, in the county of Lucas.....	41
To authorize the sale of the west half of section 20, township 18, range 20, lying in Congress township, Richland county, belonging to fractional township No. 14, range 21, in the county of Marion, for the use of schools in said fractional township	48

SCHOOL LANDS—*Continued.*

To amend an act entitled "an act to authorize the sale of the east half of the northwest quarter of section No. 15, in township No. 16, of range 19, Refugee tract, for the use of schools, for the township of Liberty, Fairfield county, and the townships of Harrison and Union, in the county of Licking," passed January 21, 1845.....	236
To authorize the treasurer of Wood county to buy in, for the State of Ohio, certain lots of land, in school section 16, in township 1, in the Twelve Mile Reserve, in Lucas county.....	178
To authorize the sale of school section 16, in township 21, range 20, in Richland county, belonging to a fractional part of Sugarcreek township, Stark county, for school purposes.....	224
To authorize the sale of the southwest quarter of section 10, township 21, and range 20, and the southeast quarter of section 9, township 21, and range 20, belonging to a fractional part of Saltcreek township, in Holmes county, for school purposes.....	221
To authorize the sale of school section 16, in the original surveyed township 14, of range 14, in the counties of Perry, Morgan and Muskingum.....	205
To authorize the sale of school section 16, in Sugarcreek township, in the county of Putnam.....	169
To authorize the sale of school section No. 16, Townsend township, in the county of Sandusky.....	115
To authorize the sale of school section No. 16, in Milford township, in the county of Williams.....	99
To authorize the sale of school section 16, in township 7, north, range 4, east, in Brady township, in the county of Williams.....	140
To authorize the sale of school section 16, in township 5, range 15, in Sandusky township, in Sandusky county.....	126
To enable Amos Dye and Charles Atkinson, to surrender their leases to certain school lands.....	120
To amend an act entitled "an act to authorize the revaluation of school section 16, in Riley township, Sandusky county, and to authorize the lessees to surrender their leases, and receive deeds of purchase," passed March 26, 1841.....	146
To authorize the sale of school section 16, in Greene township, Hamilton county, Ohio.....	143
To provide for releasing Ministerial section 29, and school section 16, in Homer township, Athens county.....	270
To authorize the sale of school section No. 16, township 7, north, range 5, east, in German township, in the county of Lucas.....	170
To amend "an act to authorize the sale of the east half of the northwest quarter of section No. 15, in township No. 16, of range 19, Refugee tract, for the use of schools, for the township of Liberty, Fairfield county, and the townships of Harrison and Union, in the county of Licking," passed January 21, 1845.....	236
To authorize the sale of the southwest quarter of section No. 11, township No. 21, and range No. 20, belonging to a fractional part of Paint township, in Holmes county, for school purposes.....	325
To authorize the sale of school section 16, in Pulaski township, in the county of Williams, and for the sale of section 16, of original surveyed township No. 15, in Washington township, Marion county.....	357

SCHOOL LANDS—*Continued.*

To authorize the lessees of school section 16, in Perry township, Gallia county, to surrender their leases and receive deeds.....	367
To amend the act to authorize the sale of school section 16, in the township of Chatfield, Crawford county, passed March 5, 1842...	407
To authorize the trustees of original surveyed township 5, in range 4, of the county of Belmont, to lease a part of section 16, in said township.....	397
To authorize the sale of section 16, in township 5, south, range 3, east, in Centre township, in Mercer county.....	18
To authorize the sale of section 16, in Blanchard township, Putnam county, and to legalize certain proceedings of the trustees of said township.....	9
To authorize the sale of section 16, in Tiffin township, Williams county.....	92
To authorize the sale of section 16, Riley township, Putnam county, and to legalize certain proceedings of the trustees of said township.....	22
To authorize the sale of the northeast quarter of section 16, in township 4, range 5, in Monroe county.....	343
To authorize the sale of section 16, in Washington township, Allen county.....	124
To authorize the sale of section 16, in 5th township, and 5th range, in Monroe county.....	364
To authorize the lessees of section 16, township 4, range 17, in York township, in the county of Sandusky, to surrender their leases and take deeds.....	125
To authorize the sale of school section 16, in township 4, north, range 3, east, in Delaware township, in the county of Williams..	256
To amend the act entitled "an act to authorize the sale of the northeast quarter of Section 8, in township 3, of range 12, in Meigs county," passed March 5, 1844	344
To authorize the reappraisal of the west half of the southwest quarter of Section No. 15, in township No. 16, range 18, Rufus tract, lying and being in the county of Fairfield	372
To amend the act, passed February 26, 1840, entitled "an act to authorize the sale of the northwest quarter of Section 27, township 19, range 18; and the northwest quarter of Section 32, of township 19, range 19; and the southeast quarter of Section 28, of township 19, range 19, in Richland county, belonging to fractional township No. 18, in ranges 18 and 19, in Knox county."...	128

STATE ROADS.

To change the location of a portion of the state road, leading from Rossville to the mouth of the Great Miami River.....	4
To lay out and establish a graded state road, from Harmar, in the county of Washington, by way of Plymouth, in said county, to Athens, in Athens county.....	6
To authorize the commissioners of Wood county to construct so much of the state road, leading from Perrysburg, in Wood county, to Bucyrus, in Crawford county, commonly called the McCathenville Road, as lies between Indiana Avenue, in said Perrysburg,	

STATE ROADS—*Continued.*

and the south line of township 5, north, of range 12, in Wood county, and to levy a tax to pay for the same.....	52
Establishing certain graded state roads in Athens and Meigs counties.....	294
To provide for the better regulation and improvement of the Moravian state road, from Cadiz, in Harrison county, to Uhrichsville, in Tuscarawas county.....	297
To revive an act entitled an act to lay out and establish a state road in the counties of Monroe and Washington.....	344
To provide for the preservation and repair of the road from Columbus to Sandusky City.....	388
To lay out and establish a state road in the counties of Hardin, Logan and Shelby.....	389
To lay out and establish a state road in the counties of Henry and Paulding.....	70
To lay out and establish a state road in the counties of Coshocton and Knox.....	100
To lay out and establish a state road in the counties of Vanwert and Paulding.....	126
To lay out and establish a state road in the counties of Wayne and Summit.....	129
To amend the act entitled "an act creating a commissioner for the graded state road leading from Chandlersville in Muskingum county, through Morgan county to Coal Run, in Washington county," passed December 30, 1843.....	166
To lay out and establish a graded state road in the counties of Washington, Athens and Meigs.....	275
To amend an act entitled "an act to lay out a state road in the counties of Franklin and Fairfield, and to extend the state road heretofore established on the line between the counties of Fairfield and Pickaway, and Fairfield and Franklin," passed March 11, 1843.....	231
To provide for the repair of the state road leading from Greenville in Darke county, to Recovery in Mercer county, and thence to Willshire in Vanwert county, and for other purposes.....	219
To provide for the better improvement of the Lima and Findlay state road.....	177
To lay out establish a state road in the counties of Holmes and Wayne.....	169
To lay out and establish a state road in the counties of Pickaway and Ross.....	128
To impose additional taxes for the benefit of certain roads therein named.....	372

TOWNS.

To amend an act to incorporate the town of Moorfield, in Harrison county, passed March 18, 1838.....	21
To amend an act entitled "an act to incorporate the city of Cleveland".....	3
To incorporate the town of Dublin, in the county of Franklin.....	48
To extend the corporate limits of the town of Sidney, in Shelby county.....	54

TOWNS—*Continued.*

To incorporate the town of Midway, in the county of Madison; the town of Harlem, in Carroll county, and the town of New Madison, in Darke county	89
To incorporate the town of New Westville, in the county of Preble; and the town of Waldo, in the county of Delaware	72
To amend the several acts incorporating the town of Portsmouth, in the county of Scioto	89
Further to amend the act entitled "an act to incorporate the town of Elyria, in the county of Lorain," passed February 25, 1833	73
To amend the act incorporating the town of Cambridge, in the county of Guernsey, passed March 13, 1837	91
Supplementary to an act to incorporate the city of Chillicothe, passed March 14, 1838	122
To amend an act entitled "an act to incorporate the town of Akron, in the county of Portage, passed March 12, 1836	125
To amend the act entitled "an act to incorporate the town of Pekin, in the county of Carroll."	154
To amend an act, passed February 26, 1840, entitled "an act to amend an act entitled an act to incorporate the town of Cuyahoga Falls," passed March 5, 1836	145
To incorporate the city of Sandusky, in Erie county, and for other purposes	257
To grant certain powers to the town council of the town of Xenia ..	267
To amend the act, passed January 20, 1838, entitled "an act to amend the act entitled an act to incorporate the town of Gallipolis, in the county of Gallia," passed February 17, 1808, and the several acts amendatory to the same, and to alter the corporate limits of said town	329
To repeal the act entitled "an act to repeal the charter of the town of Findlay," passed March 13, 1843, and to declare in force the act incorporating said town, passed March 17, 1838	195
Supplementary to the act entitled "an act further to amend the act entitled an act to incorporate the town of Portsmouth, in the county of Scioto," passed March 16, 1838	173
To incorporate the town of Mt. Vernon, in Knox county	160
To amend an act defining the limits of the corporation of the town of Zanesville, passed January 26, 1818	223
To amend the act entitled "an act to incorporate the town of Millersburg, in Holmes county," passed February 17, 1835	182
To authorize the mayor and town council of the town of Piqua, in Miami county, to cause the lots in said town to be renumbered ..	170
To amend an act to incorporate the town of Huron, now of the county of Erie	298
To amend the act to incorporate the town of Warren, in the county of Trumbull	313
To amend an act entitled an act to incorporate and establish the city of Dayton, passed March 27, 1841	340
To amend the act entitled an act to incorporate the town of Germantown, in the county of Montgomery	351
To amend the act entitled an act to incorporate the city of Toledo, passed January 7, 1837	350

TOWNS—*Continued.*

To amend the act entitled an act to incorporate town of Perrysburg, passed February 9, 1833, and the several acts amendatory thereto.	342
To authorize the corporation of the town of Portsmouth, Scioto county, to grant licenses	352
To authorize the city of Cleveland to appoint inspectors of provisions and other articles	83
To reduce the territorial limits of the corporation of Middlebury, in the county of Summit	86
To authorize the city of Cincinnati to erect a house of correction	393
To change the name of Tylerville, in Greene county	360
To divide the town of Hudson, in the county of Summit, into two school districts	368
To attach a certain territory to the city of Columbus, for school purposes.	404
Supplementary to an act to increase the number of trustees and directors of common schools, in the city of Cincinnati, and for other purposes, passed March 7, 1837	413
For the more effectual relief of the poor, in the city of Cincinnati	166
To authorize the town council of the town of Perrysburg, to subscribe to the capital stock of the Perrysburg canal and Hydraulic company, and to levy a tax to pay the annual interest, and for the final redemption of bonds so issued	133
To authorize the common council of the town of Piqua to appoint an inspector of flour and whisky	291
To incorporate the town of Marysville, in the county of Union, and to repeal all acts now in force in relation thereto	369
To amend an act to incorporate and establish the city of Cincinnati, and for revising all laws and parts of laws heretofore enacted on that subject, passed March 1, 1834, and also to amend all subsequent acts which may conflict with this act	355
To authorize the town of Painesville, and the town of Norwalk, to levy a tax for the benefit of common schools therein	379
To amend the act entitled an act to incorporate the town of New Philadelphia, passed February 12, 1833	392
To authorize the city of Cleveland to subscribe to stock in a plank road from Cleveland to Wooster	403
To incorporate the towns therein named	412

TOWNSHIPS.

To amend the act entitled an act to establish grades, and enforce the paving and McAdamizing of streets, roads, lanes and alleys, in the southern part of Millcreek township, Hamilton county, Ohio, passed March 6, 1844	382
To amend the act entitled "an act to amend the act entitled an act to divide the township of Millcreek, in the county of Hamilton, into election districts," passed March 4, 1841	239
For the relief of the township of Hocking, in the county of Fairfield	353
To authorize the trustees of the township of Brooklyn, in Cuyahoga county, to erect a poorhouse	199

TOWNSHIPS.—*Continued.*

To abolish the offices of trustee and treasurer of the sixth original surveyed township, in the ninth range, in Morgan county.....	142
To authorize the county commissioners of Delaware county to alter the boundaries of certain townships in Delaware county.....	18
To divide the township of Scioto, in Ross county, into two election districts.....	293

TURNPIKES.

To incorporate the Millville, Reily and Milton turnpike company..	7
To amend an act entitled "an act to incorporate the Dayton and Mad River Valley turnpike road company," passed February 15, 1844..	6
To amend the charter of the Marietta and Newport turnpike road and bridge company.....	31
To authorize the county commissioners of Wood county to purchase that part of the Perrysburg, Findlay and Kenton turnpike road, which lies in Wood county, and to levy a tax to pay for the same..	36
To incorporate the Summerville and Jacksonburg turnpike road company.....	29
To incorporate the Dayton and Germantown turnpike road company.....	34
To incorporate the Hamilton and Jacksonburg turnpike road company.....	55
To incorporate the Chillicothe and Washington turnpike road company.....	84
To incorporate the Urbana and Loudonville turnpike road company..	71
To incorporate the Butler and Preble county turnpike road company.....	81
To amend the act entitled "an act to incorporate the Oxford and College corner turnpike road company," passed January 29, 1844.....	68
To amend the act entitled "an act to incorporate the Trumbull and Ashtabula turnpike road company".....	90
To incorporate the Mad River, Urbana and Kenton turnpike road company.....	94
To amend the act entitled "an act to incorporate the Troy and Stillwater turnpike road company.....	92
To incorporate the Amanda and Miltonville turnpike road and bridge company.....	96
To incorporate the West Alexandria and Euphemia turnpike road company.....	103
To amend the act incorporating the Fairfield, Yellow Springs and Clifton turnpike road company.....	155
To amend the act entitled "an act to incorporate the Dayton, Xenia and Washington turnpike road company," passed January 29, 1844.....	116
To amend the act entitled "an act to incorporate the Dayton and Germantown turnpike road company".....	248
To amend the act entitled "an act to amend the act incorporating the Wayne, Medina and Cuyahoga turnpike company," passed February 19, 1844.....	167
To amend the act entitled "an act to incorporate the Maumee and Indiana turnpike road company," passed April 3, 1837.....	202

TURNPIKES—Continued.

To incorporate the Xenia and and Springfield turnpike road company	221
To incorporate the Greenville and Euphemia turnpike road company	197
To empower the Goshen, Wilmington and Columbus turnpike company to sell a portion of said turnpike	174
To amend the act entitled "an act to incorporate the Republic and Bucyrus turnpike road company"	172
To amend the act entitled "an act to incorporate the Columbus, Winchester, Jefferson and Carroll turnpike road company," passed March 25, 1841.....	171
To incorporate the Dayton and Xenia turnpike company	183
To incorporate the Rochester, Osceola and Martinsville turnpike company.....	315
To incorporate the Stillwater turnpike road company	278
To incorporate the Byron, Yellow Springs and Clifton turnpike road company.....	302
To incorporate the Columbus and Sandusky turnpike and plank road company.....	271
To repeal so much of an act entitled "an act to incorporate the Portsmouth and Columbus turnpike company," passed February 7, 1831, as makes Bloomfield a point on said road.....	288
To incorporate the Dayton and Brant turnpike road company	284
To incorporate the Columbus and Dublin turnpike company	253
To incorporate the Washington, Jeffersonville and Charleston turnpike company	350
To amend the charter of the Hamilton, Rossville, Darrrtown, Oxford and Fairhaven turnpike company	403
To amend an act entitled "an act to incorporate the Dayton and Mad River Valley turnpike road company," passed March 13, 1843, and an act entitled "an act to incorporate the Mad River Valley, Urbana and Kenton turnpike road company," passed the 18th day of February, 1845	374
To incorporate the Princeton, Trenton and Miltonville turnpike company	390
To amend the act to provide for the improvement of the Western Reserve and Maumee road, passed March 14, 1838 ...	369
To authorize Alfred P. Egerton to construct a road from Hicksville, in the county of Williams, to the Maumee River, in the county of Paulding	19

TURNPIKES, FREE.

To lay out and establish a free turnpike road in the county of Gallia.....	22
To lay out and establish a free turnpike road from the Mad River and Lake Erie Railroad, in the county of Hardin, to the county of Vanwert.....	10
To establish a free turnpike road on the line of the State road from Lower Sandusky, in Sandusky county to Findlay in Hancock county.	77
To lay out and establish a free turnpike road in the county of Shelby.....	185

TURNPIKES, FREE—*Continued.*

To lay out and establish a free turnpike road from Napoleon, in the county of Henry, to Bryan in the county of Williams	150
To lay out and establish a free turnpike road from the town of Fairhaven, in the county of Gallia, to the town of Jackson in the county of Jackson	178
To lay out and establish a free turnpike road from Martinstown, in the county of Hancock, through Mt. Blanchard, to Careytown in the county of Wyandott	213
To lay out and establish a free turnpike road from Ottawa, in the county of Putnam, to Samuel Myers' Mill on the Auglaize river ..	216
To establish a free turnpike road from Sidney, in Shelby county, to West Liberty in Logan county	235
To amend an act to lay out and establish a free turnpike road from Lima, in Allen county, to Defiance in Williams county	237
To lay out and establish a free turnpike road from Columbus Grove, in the county of Putnam, to the Miami Extension canal	188
To establish a free turnpike road in the counties of Allen and Shelby	203
To lay out and establish a free turnpike road from Kenton in Hardin county, to a point intersecting the Bellefontaine, Lima and Vanwert free turnpike road at the farm of James McGinis	211
To amend the act entitled "an act to establish a free turnpike road from Bellefontaine in the county of Logan, to the Indiana State line."	181
To establish a free turnpike road in the county of Shelby	171
To amend an act entitled "an act to lay out and establish a free turnpike road from Van Buren in the county of Hancock, to the south line of Lucas county," passed March 5, 1844	290
To lay out and establish a free turnpike road from Ridenour's Mill, in the county of Putnam, to a point near Defiance in the county of Williams	276
To amend the act to lay out and establish a free turnpike road from Findlay, in Hancock county, to Kalida, in Putnam county	289
To lay out and establish a free turnpike road from Lima, in the county of Allen, to the Miami Extension Canal, in the county of Putnam	286
To amend the act entitled "an act to establish a free turnpike from Columbus in the county of Franklin, to Bellefontaine, in the county of Logan," passed March 4, 1844	286
To lay out and establish a free turnpike road in the counties of Fayette and Madison	347
To lay out and establish a free turnpike road from Toledo, in Lucas county, to Woodville, in Sandusky county	326
To lay out and establish a free turnpike road from South Otsego, on the Maumee river, to the north line of the county of Hancock ..	335
To lay out and establish a free turnpike road from Maumee City to Sylvania, in Lucas county	377
To amend an act entitled "an act to establish and lay out a free turnpike road from Lebanon to Hopkinsville, in Warren county"	371
To amend an act entitled "an act to establish a free turnpike road from Ottawa, in the county of Putnam, to the Indiana State line, in the county of Williams," passed March 13, 1843	407

TURNPIKES, FREE—Continued.

To amend an act entitled "an act to lay out and establish a free turnpike road from Kalida, in Putnam county, to Napoleon, in Henry county, and to the Michigan State line," passed March 4, 1844 ..	428
To lay out and establish a free turnpike road from Ottawa, in the county of Putnam, to Napoleon, in the county of Henry	388

UNIVERSITIES.

To incorporate the Fort Meigs University	80
To incorporate the trustees of the Protestant University of the United States.*	338

RESOLUTIONS.**A**

Asylums and Humane Institutions, relative to a grant of lands to	434
Arms of the State destroyed in the dwelling house of A. Ordeway, relative to	439
Adams, John Quincy, rescinding certain resolutions in relation to	444
Auditors, State and County, imposing certain duties on	448

B

Barnett, Hall and Co., and Ellis Ayers, relative to the claim of	454
Blind Asylum, appointing M. J. Gilbert a Trustee of	464
Burdell, William, relative to the contract of	459

C

Claims, providing for the payment of in the general appropriation bill	436
Clermont county, relative to furnishing laws to	438
Convicts, relative to the moral and religious instruction of	446
Certain claims, providing for	449
Clerk U. S. District Court, granting him the use of the State Library	449
Chemical apparatus of the State of Ohio, relative to	450
Chaplains of the General Assembly, resolution of thanks to	457
Claims, to provide for the payment of certain persons therein named	458
Claims, to provide for the payment of certain claims	460

*This act is indexed under the head of "COLLEGES," and is there stated to be on page "345"—it should be page 338; that folio and the following one are erroneously printed "345, 346,"—they should be 333 and 339. The above act covers both of these pages.

D

Delinquent taxes, authorizing the Treasurer of State to receive, up to a certain period	441
Defiance county, relative to furnishing laws to	447
Defiance county, relative to furnishing a certain law to	450
Donalson and Allen, relative to the claims of	449
Donaldson, Luther, relative to an appropriation to	438
Deaf and Dumb Asylum, appointing directors for	465

F

Fund Commissioners, appointing a committee of investigation	458
---	-----

G

Griswold, Hiram, appointing as Reporter	431
Gaines, Charles K., relative to his admission into the Blind Asylum	432
Goshen, Wilmington and Columbus Turnpike Company, relative to examining the affairs of	451

H

Historical and Philosophical Society of Ohio, granting them the use of certain rooms	432
Huber, Peter, relative to his admission into the Lunatic Asylum	439
Historical Society of New York, relative to	441
Hocking county, relative to furnishing certain laws to	445
Harmar, for constructing culvert, &c., in the town of	463

I

Indexes. Directing the Clerks of the two Houses to prepare	462
--	-----

J

Judicial Courts. Directing the printing and distributing in advance of a certain law, &c.	457
--	-----

L

Libraries, &c., relative to furnishing Reports of the U. S. Court to	438
Literary Institutions, relative to furnishing certain laws, &c., to (rescinded)	440
Lock No. 20, south of Licking Summit, relative to the location of	442
Laws, Journals and Documents, for the preservation of	452
Lunatic Asylum, appointing a director of	458
Library, relative to	463

M

Marine Hospital, at Cleveland, relative to	435
Monroe county, relative to furnishing laws to	438
Morgan county, relative to furnishing laws to	438
Miami University, appointing trustees for	442
Moore, John, relative to the claim of	484

N

Naturalization laws of the United States, in relation to.....	429
National Road, relative to.....	430
National Road, relative to the completion of, in this State	434
New York Canals, relative to discriminating tolls on.....	455

O

Oregon Territory, relative to.....	434
Old Penitentiary Lot, relative to	442
Oculist for the Blind Asylum, authorizing the employment of an.....	451
Ohio Railroad Company, providing for the sale of the property of	461

P

Presidential Elections, in relation to making the time uniform throughout the Union	429
Postage, relative to the reduction of ..	430
Postage of members, relative to	430
Pike county, relative to furnishing certain books to	431
Paulding county, relative to furnishing certain books to	436
Postage bill, requesting our Representatives in Congress to vote for.....	441
Pike county, relative to certain statutes for the use of.....	446
Purdy, James, relative to the claim of	453
Public Buildings, directing the State Librarian to take charge of.....	459
Public Works, board of, appointing an investigating committee.....	463

R

Reports of Public Institutions, relative to.....	451
Riparian proprietors, relative to the rights of.....	458

S

Summit County, relative to furnishing certain laws to.....	443
Stetler, Benjamin, providing for the discontinuance of the suit against.....	448
South Fork Feeder, in Licking county, relative to the construction of.....	447
School Lands, Virginia Military District, appointing James Smart Register of, at Mansfield	450

T

Treasurers. Relative to certain acts relating to County Treasurers.....	431
Thornton, George, relative to his admission into the Blind Asylum	435
Texas, relative to the annexation of.....	437
Thomas, H., alias Thomas Dean, authorizing the Governor to offer a reward for the apprehension of.....	440
Tax law, to provide for the printing and distributing of extra copies of.....	455
Thanksgiving, requesting the Governor to appoint a day of	457
Taylor, P. W. and company, relative to the contract of	464

U

United States' laws, relative to the distribution of.....	463
---	-----

V

Vanwert county, relative to furnishing with certain books, &c.....	445
Vattemare, Alexander, relative to furnishing certain laws &c., to.....	448

W

Western Reserve and Maumee Road Lands, in relation to.....	433
Wyandott county, relative to furnishing certain laws to.....	443
Whipple, Levi, relative to damages sustained by.....	460

ERRATA.

CHURCHES.

To incorporate sundry churches therein named.....	104
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ANNUAL REPORT

OF THE

AUDITOR OF STATE,

TO THE

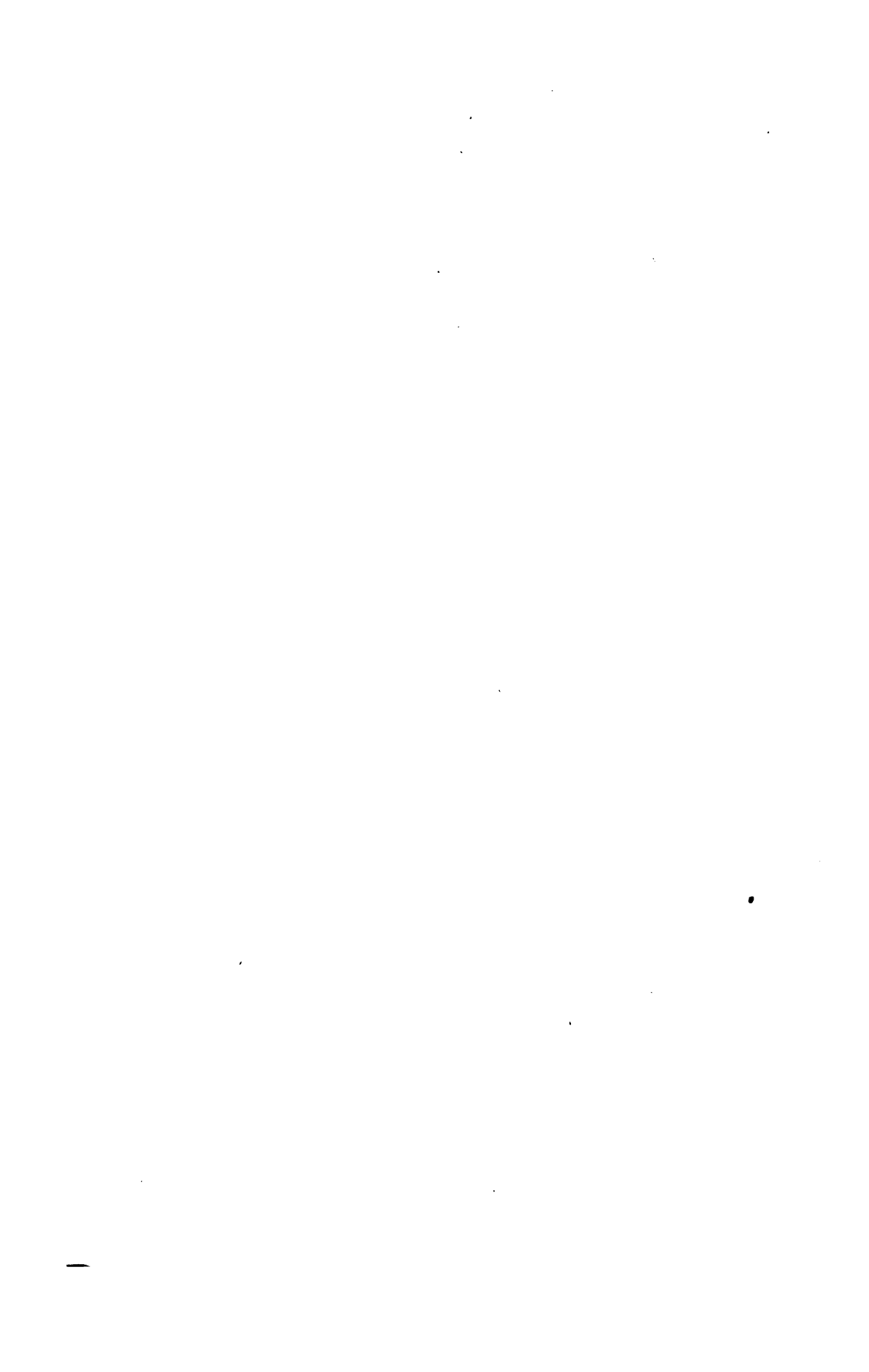
FORTY THIRD GENERAL ASSEMBLY.

DECEMBER 3, 1844.

COLUMBUS:

SAMUEL MEDARY, STATE PRINTER.

1844.



REPORT.

AUDITOR OF STATE'S OFFICE, COLUMBUS, December 3, 1844.

To the Honorable General Assembly:

GENTLEMEN:—Agreeably to the provisions of the law imposing upon me that duty, I herewith submit to you the annual report of this department.

The several items which constitute the funds of the State are arranged under their respective heads, with such remarks as have suggested themselves to my mind as worthy of your consideration.

GENERAL REVENUE.

The amount of revenue remaining in treasury, Nov. 15, 1843	\$94,807 92 1
The amount of revenue paid by county treasurers during the year ending Nov. 15, 1844.....	181,767 53 3
The amount paid through this office during said time,	20,556 73 0
The amount arising from tax on lawyers and physicians.....	5,130 87 4
The amount arising from license to pedlers.....	4,953 62 8
The amount of arrears of taxes	20,679 27 0
The amount arising from tax on foreign insurance companies.....	525 69 2
The amount arising from license to auctioneers, and auction duties.....	4,017 47 7
The amount arising from redemption, in counties, of lands and lots forfeited to the State.....	27,501 75 9
The amount arising from redemption, at the State treasury, of forfeited lands and town lots.....	47 90 0
The amount arising from sales of collated laws....	443 00 0
The amount paid by John Patterson, Warden of the Ohio Penitentiary, arising from convict labor.....	10,918 71 0
The amount drawn from Governor's contingent fund and repaid by Matthew Johnson	398 72 0
The amount drawn from stationery fund, and repaid by Samuel Galloway	139 00 0
The amount of a fine collected of B. A. Napier for refusing to deliver up State arms	10 00 0

The amount of costs collected in case of State of Ohio vs. Begtown et al. and Geo. Punch	\$39 70 0
The amount of a fine collected of John Hammel for destruction of public arms	15 53 0
The amount of a fine collected of John Havens, for giving tobacco to convicts.....	10 00 0

Total	\$371,963 44 4
Deduct the amount of bills redeemed at the treasury, from 15th Nov., 1843, to 15th Nov., 1844	\$194,373 75 0
Deduct the amount of transfers to canal fund.....	33,264 47 9
Deduct the amount of transfers to State common school fund.....	11,503 04 1
	<u>239,141 27 0</u>
Balance remaining in treasury, Nov. 15, 1844 ...	<u><u>\$132,822 17 4</u></u>

UNITED STATES ROAD FUND.

The amount paid in during the year ending November 15, 1844.....	\$30,801 63
Deduct amount paid resident engineer on said road during the year ending Nov. 15, 1844.....	<u>30,801 63</u>

COMMERCIAL HOSPITAL AND LUNATIC ASYLUM, AT CINCINNATI.

The amount paid into State treasury by Darke and Highland counties.....	\$186 14
Deduct amount paid treasurer of Hamilton county, for the use of said institution....	<u>186 14</u>

OHIO PENITENTIARY.

The amount paid for costs of prosecution and transportation of convicts, and salaries of directors, during the year ending Nov. 15, 1844	14,016 13
Deduct the amount paid into treasury by John Patterson, Warden, arising from labor of convicts.....	<u>10,918 71</u>
Excess of expenditures.....	<u><u>\$3,097 42</u></u>

STATE OFFICERS.

Balance on Nov. 15, 1843.....	\$596 24
The amount appropriated for 1844	7,400 00
	<hr/>
	7,996 24
Deduct the amount paid during the year ending Nov. 15, 1844	6,782 82
	<hr/>
Balance	<u>1,213 42</u>

JUDICIAL OFFICERS.

Balance on Nov. 15, 1843.....	273 72
The amount appropriated for 1844.....	24,490 00
	<hr/>
	24,763 72
Deduct the amount paid during the year ending Nov. 15, 1844.....	24,251 25
	<hr/>
Balance	<u>\$512 47</u>

BRIGADE INSPECTORS, ADJUTANT AND QUARTERMASTER GENERALS.

Balance on Nov. 15, 1843.....	934 55
The amount appropriated for 1844	3,000 00
	<hr/>
	3,934 55
Deduct the amount paid during the year ending Nov. 15, 1844	2,990 58
	<hr/>
Balance	<u>\$943 97</u>

BOUNTY ON SILK.

The amount appropriated March 13, 1844.....	150 00
Deduct the amount paid during the year ending Nov. 15, 1844.....	44 18
	<hr/>
Balance	<u>\$105 82</u>

WOLF SCALPS.

Balance on Nov. 15, 1843.....	959 00
The amount appropriated for 1844	1,500 00
	<hr/>
	<u>2,459 00</u>

Deduct the amount paid during the year ending Nov. 15, 1844	1,496 50
Balance.....	<u>\$962 50</u>

STATE PRINTER.

Balance on Nov. 15, 1843	5,387 24
The amount appropriated for 1844	15,000 00
	<u>20,387 24</u>
Deduct the amount paid during the year ending Nov. 15, 1844	16,835 68
Balance.....	<u>\$3,551 56</u>

OHIO LEGISLATURE.

Balance on Nov. 15, 1843	9,947 76
The amount appropriated for 1844	35,000 00
	<u>44,947 76</u>
Deduct the amount paid during the year ending Nov. 15, 1844	37,921 96
Balance.....	<u>\$7,025 80</u>

STATIONERY FOR STATE

Balance on Nov. 15, 1843	\$12,840 48
The amount paid by Samuel Galloway	139 00
	<u>12,979 48</u>
Deduct the amount paid during the year ending Nov. 15, 1844	7,175 22
Balance.....	<u>\$5,804 26</u>

COURTS MARTIAL.

The amount paid during the year ending Nov. 15, 1844	\$1,532 58
The amount overdrawn in 1843	29 58
	<u>\$1,562 16</u>
Deduct the amount appropriated for 1844	1,500 00
Amount overdrawn	<u>\$62 16</u>

PUBLIC ARMS.

Balance on Nov. 15, 1843.....	\$2,093 32
The amount appropriated for 1844.....	2,000 00
	<hr/> 4,093 32
Deduct the amount paid during the year ending Nov. 15, 1844.....	1,015 24
Balance.....	<hr/> <u>\$3,078 08</u>

LAWS AND JOURNALS.

Balance on Nov. 15, 1843.....	\$422 43 5
The amount appropriated for 1844.....	1,000 00 0
	<hr/> 1,422 43 5
Deduct the amount paid during the year ending Nov. 15, 1844.....	525 30 0
Balance.....	<hr/> <u>\$897 13 5</u>

CONTINGENT FUND FOR GOVERNOR.

Balance on Nov. 15, 1843	\$4,219 09 3
The amount paid by M. Johnson.....	398 72 0
The amount appropriated for 1844.....	1,000 00 0
	<hr/> 5,617 81 3
Deduct the amount paid during the year ending Nov. 15, 1844.....	3,669 17 0
Balance.....	<hr/> <u>\$1,948 64 3</u>

CONTINGENT FUND FOR AUDITOR.

Balance on Nov. 15, 1843.....	\$1,039 81
The amount appropriated for 1844.....	3,000 00
	<hr/> 4,039 81
Deduct the amount paid during the year ending Nov. 15, 1844.....	3,489 22
Balance.....	<hr/> <u>\$550 59</u>

CONTINGENT FUND FOR SECRETARY.

Balance on Nov. 15, 1843.....	\$1,222 02
The amount appropriated for 1844.....	1,000 00
	<hr/>
	2,222 02
Deduct the amount paid during the year ending Nov. 15, 1844.....	879 19
	<hr/>
Balance.....	<u>\$1,342 83</u>

CONTINGENT FUND FOR TREASURER.

Balance on Nov. 15, 1843.....	\$1,913 67
The amount appropriated for 1844.....	1,200 00
	<hr/>
	3,113 67
Deduct the amount paid during the year ending Nov. 15, 1844.....	1,839 22
	<hr/>
Balance.....	<u>\$1,274 45</u>

DOUBLE ENTRIES.

Balance on Nov. 15, 1843.....	\$254 53
The amount appropriated for 1844.....	1,200 00
	<hr/>
	1,454 53
Deduct the amount paid during the year ending Nov. 15, 1844.....	1,236 28
	<hr/>
Balance.....	<u>\$218 25</u>

DEAF AND DUMB ASYLUM.

The amount appropriated March 13, 1844, for repairs of building and to discharge the debt of the insti- tution.....	\$3,000 00
The amount appropriated for clothing indigent pupils..	100 00
The amount appropriated for supporting pupils.....	10,430 99
	<hr/>
	13,530 99
Deduct the amount paid during the year ending Nov. 15, 1844.....	13,530 99
	<hr/>

LUNATIC ASYLUM.

The amount appropriated for supporting the institution, March 13, 1844.....	\$7,000 00
The amount appropriated for the erection of the new building.....	10,000 00
	<hr/>
	17,000 00
Deduct the amount paid during the year ending Nov. 15, 1844.....	17,000 00
	<hr/>

INSTITUTION FOR THE BLIND.

The amount appropriated for supporting the institution for 1844.....	\$2,500 00
The amount appropriated for procuring a philosophical apparatus for the institution.....	150 00
The amount appropriated for clothing indigent pupils..	100 00
The amount appropriated for boarding pupils.....	6,000 00
	<hr/>
	8,750 00
Deduct the amount paid during the year ending Nov. 15, 1844.....	8,750 00
	<hr/>

OHIO STATE LIBRARY.

Balance on Nov. 15, 1843.....	\$34 42
The amount appropriated for 1844.....	500 00
	<hr/>
	534 42
Deduct the amount paid during the year ending Nov. 15, 1844.....	480 55
	<hr/>
Balance.....	\$53 87
	<hr/>

BOARD OF PUBLIC WORKS.

Balance on Nov. 15, 1843.....	\$1,336 30
The amount appropriated for 1844.....	2,500 00
	<hr/>
	3,836 30
Deduct the amount paid during the year ending Nov. 15, 1844.....	2,952 83
	<hr/>
Balance.....	\$883 47
	<hr/>

BANK COMMISSIONERS.

Balance on Nov. 15, 1843.....	\$2,940 08
The amount appropriated for 1844.....	1,000 00
	<hr/>
	3,940 08
Deduct the amount paid during the year ending Nov. 15, 1844.....	1,433 43
	<hr/>
Balance.....	<u>\$2,506 65</u>

CLAIMS.

Balance on Nov. 15, 1843.....	81
The amount of a special appropriation, March 12, 1844	67 60
The amount of a special appropriation, Feb. 26, 1844.	156 33
The amount of appropriations for 1844.....	1,159 53
	<hr/>
	1,384 27
Deduct the amount paid during the year ending Nov. 15, 1844.....	1,372 46
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Balance.....	<u>\$11 81</u>

TREASURERS' MILEAGE.

Balance on Nov. 15, 1843.....	\$1,262 96
The amount appropriated for 1844.....	1,200 00
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	2,462 96
Deduct the amount paid during the year ending Nov. 15, 1844.....	1,229 86
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Balance.....	<u>\$1,233 10</u>

WOOD.

Balance on Nov. 15, 1843.....	\$811 88
The amount appropriated for 1844.....	500 00
	<hr/>
	1,311 88
Deduct the amount paid during the year ending Nov. 15, 1844.....	318 21
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Balance.....	<u>\$993 67</u>

POSTAGE OF OHIO LEGISLATURE.

Balance on Nov. 15, 1843.....	\$963 74
The amount appropriated for 1844.....	2,300 00
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	3,263 74
Deduct amount paid during the year ending Nov. 15, 1844	2,638 57
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Balance,.....	<u>\$625, 17</u>

PROSECUTIONS FOR THE STATE.

Balance on Nov. 15, 1843.....	\$1,604 03
Deduct amount paid during the year ending Nov. 15, 1844.....	866 26
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Balance.....	<u>\$737 77</u>

SECRETARY TO FUND COMMISSIONERS.

The amount appropriated for 1843 and 1844.....	\$1,000 00
Deduct amount paid during 1843.....	\$266 66
Deduct amount paid during the year ending Nov. 15, 1844	291 66
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Balance.....	<u>\$441 68</u>

ACTING FUND COMMISSIONER.

The amount appropriated for 1843 and 1844.....	\$1,700 00
Deduct amount paid during 1843.....	\$533 33
Deduct amount paid during the year ending Nov. 15, 1844.....	638 72
	<hr/>
Balance.....	<u>\$527 95</u>

PRESIDENTIAL ELECTION.

The amount paid during the year ending Nov. 15, 1844	\$2,231 86
Deduct balance on Nov. 15, 1843.....	959 41
	<hr/>
Amount overdrawn.....	<u>\$1,272 45</u>

REPAIRS OF PUBLIC OFFICES.

The amount paid during the year ending Nov. 15, 1844	\$1,003 55
The amount paid prior to Nov. 15, 1843.....	3 75
	<hr/>
	1,007 30
Deduct the amount of appropriation for 1844.	1,000 00
	<hr/>
Amount overdrawn.....	<u>\$7 30</u>

STATE ARMORY.

The amount appropriated for 1844.....	\$400 00
Deduct amount paid during the year ending Nov. 15, 1844... ..	400 00
	<hr/>

Amounts drawn during 1844, for which no appropriations have been made, except in the laws themselves, viz:

Appraisers of canal lands.....	80 00
Special elections.....	108 20
Apportionment of taxes paid to counties.....	13,052 81
	<hr/>
	<u>\$13,241 01</u>

Balances in favor of accounts on which no payments have been made during the year ending Nov. 15, 1844, viz:

Contingent fund for superintendent of common schools,	25 24
New State House.....	14 78
Revised Laws.....	630 17
Repairs of State Library.....	66 68
Contested elections.....	100 00
Witnesses and clerks.....	17 75
	<hr/>
	<u>\$854 62</u>

SCHOOL FUNDS.

Virginia Military School.

To amount of said fund loaned to the Fund Commissioners, prior to 15th Nov., 1843.....	\$132,668 46 7
To amount paid in by the Register, the year ending Nov. 15, 1844.....	983 67 0
	<hr/>
Total	<u>\$133,652 13 7</u>

United States Military.

To amount of said fund loaned to the Fund Commissioners, prior to the 15th Nov., 1843.....	\$119,162 57 5
To amount paid in by the Register and Treasurers, the year ending Nov. 15, 1844.....	5 74 3
Total.....	<u>\$119,168 31 8</u>

Common School.

To amount arising from the sale of Salt Lands, and loaned to the Fund Commissioner, prior to the 15th Nov., 1843.....	\$32,194 13 8
To amount of interest accruing on said fund, prior to the 1st June, 1835, and funded to the principal.....	7,112 17 4
Total.....	<u>\$39,306 31 2</u>

Connecticut Western Reserve.

To amount of said fund loaned to the Fund Commissioners, prior to the 15th Nov., 1843.....	\$143,635 28 9
To amount of interest funded on the 1st June, 1835..	15,023 71 9
Total.....	<u>\$158,659 00 8</u>

School Section No. 16.

To amount of said fund loaned to the Fund Commissioners, prior to the 15th November, 1843.....	\$937,476 64 54
To amount paid in by county treasurers, the year ending Nov. 15, 1844	14,541 76 2
Total,	<u>\$952,018 40 74</u>

Moravian.

To amount of said fund paid in by county treasurer, the year ending Nov. 15, 1844.....	<u>\$686 88 8</u>
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Ministerial Section No. 29.

To amount of said fund loaned to the Fund Commissioners, prior to the 15th November, 1843	\$17,097 05 9
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To amount paid in by county treasurers, the year ending Nov. 15, 1844.....	2,606 79 5
Total.....	<u>\$19,703 85 4</u>

Ohio University.

To amount of said fund loaned to the Fund Commissioners, prior to the 15th November, 1843	<u>\$1,897 39 0</u>
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SCHOOL FUNDS SUBJECT TO DISTRIBUTION.

Virginia Military School.

To balance of said fund in the treasury, Nov. 15, 1843	\$3,762 67 0
To amount of interest accruing on loans in the hands of the Fund Commissioners, up to Jan. 1, 1844..	7,956 00 5
To amount of rents paid in by Register, the year ending Nov. 15, 1844.....	3,870 07 0
Total.....	<u>\$15,588 74 5</u>
Deduct the amount paid out the year ending Nov. 15, 1844.....	11,718 67 5
Balance remaining in the treasury, Nov. 15, 1844..	<u>\$3,870 07 0</u>

United States Military School.

To amount of interest accruing on said fund in the hands of the Fund Commissioners, up to Jan. 1, 1844	\$7,149 76 8
Deduct amount paid out the year ending Nov. 15, 1844.....	<u>7,149 76 8</u>

Connecticut Western Reserve School.

To amount of interest accruing on said fund, in the hands of the Fund Commissioners, up to Jan. 1, 1844.....	\$9,519 54 0
Deduct amount paid out the year ending Nov. 15, 1844.....	<u>9,519 54 0</u>

School Section No. 16.

To amount of interest accruing on said fund in the hands of the Fund Commissioners, up to Jan. 1, 1844.....	\$56,133 23 9
Deduct amount paid out the year ending Nov. 15, 1844.....	<u>56,133 92 3</u>

Ministerial Section No. 29.

To amount of interest accruing on said fund in the hands of the Fund Commissioners, up to Jan. 1, 1844	\$1,000 52 5
Deduct amount paid out the year ending Nov 15, 1844.	<u>1,006 52 5</u>

Ohio University.

To amount of interest accruing on said fund in the hands of the Fund Commissioners, up to July 1, 1844.....	\$113 84 0
Deduct amount paid out the year ending Nov. 15, 1844	<u>113 84 0</u>

STATE COMMON SCHOOL FUND.

Balance on Nov. 15, 1843.....	\$40,132 47 2
The amount of interest accruing, at 5 per cent., on Surplus Revenue deposited with the State, during the year ending Nov. 15, 1844.....	101,150 69 2
The amount of Grand Levy paid into the Treasury by the several counties.....	66,329 03 8
The amount of tax paid by banks, insurance, and bridge companies.....	14,150 07 0
The amount of pedlers' license, auction duties, and tax on lawyers and physicians, transferred from general revenue	10,936 77 1
The amount of interest on moneys arising from the sale of Salt lands.....	2,451 84 9
The amount transferred from general revenue, being State common school fund's proportion of taxes paid through this office	<u>576 27 0</u>
Total.....	<u>235,733 16 2</u>

Deduct the amount apportioned among the several counties	\$200,000 00 0
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Balance in Treasury, Nov. 15, 1844	<u>\$35,733 16 2</u>
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APPORTIONMENT OF STATE COMMON SCHOOL FUND.

Amount in the Treasury, Nov. 15, 1843, and due Lucas county	\$1,917 04 2
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The amount apportioned among the several counties the year ending Nov. 15, 1844	200,000 00 0
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	<u>201,917 04 2</u>
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Deduct the amount paid the several counties during the year ending Nov. 15, 1844	<u>201,917 04 2</u>
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SURPLUS REVENUE.

Balance on Nov. 15, 1843	\$51 65
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The amount paid into the Treasury by sundry counties, during the year ending Nov. 15, 1844	58,523 66
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	<u>58,575 31</u>
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Deduct amount of Fund Commissioner's drafts on said fund during the year ending Nov. 15, 1844	<u>58,575 31</u>
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SURPLUS REVENUE INTEREST FUND.

The amount of drafts on Canal Fund, to pay interest, at 6 per cent., on Surplus Revenue loaned to Fund Commissioners	\$1,791 32 1
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The amount of 1 per cent. interest paid in by sundry counties on excess of Surplus Revenue held by them under the re-apportionment of 1840	276 80 4
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	<u>2,068 12 5</u>
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Deduct amount of overdraft in 1843	\$5 57 2
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Deduct amount paid sundry counties, being 6 per cent. interest on Surplus Revenue loaned to Fund Commissioners	1,776 04 8
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Deduct the amount paid sundry counties, being 1 per cent. interest on Surplus Revenue due said counties under the re-apportionment of 1840	<u>255 28 1</u>
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	<u>2,036 90 1</u>
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Balance	<u>31 22 4</u>
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THREE PER CENT. FUND.

Balance in Treasury, Nov. 15, 1843	\$195 64 2
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The foregoing statements exhibit to you, in detail, the condition of the revenue for State purposes, during the last fiscal year.

The balance in the Treasury on the 15th November, 1844, it will be seen, is	\$132,822 17 4
The balance Nov. 15, 1843, was	94,807 90 1

Difference in favor of 1844	38,014 27 3
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The balance of State common school fund in the Treasury, Nov. 15, 1843	\$40,132 47 2
Same 15th Nov., 1844	35,733 16 2

Decrease in 1844	4,399 31 0
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The debt of twenty three thousand one hundred forty three dollars sixty three cents, of this fund to the general revenue, still exists. Should you deem it expedient, the transfer can now safely be made, as the revenues of the School fund are sufficient to keep it good.

The amount received from the Warden of the Penitentiary, during the year, is ten thousand nine hundred eighteen dollars seventy one cents. In addition to this, he was required, by resolution of the last General Assembly, to pay the costs of conviction and execution of the two criminals convicted of murder, amounting to about two thousand dollars.

The amount paid, the past year, for the conviction and transportation of convicts, is	\$14,016 13
The amount paid in 1843, was	11,573 59

Increase in 1844	2,442 54
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The amount of bills redeemed at the Treasury, during the year 1844, is	\$194,373 75
The amount for 1843, was	189,779 74

Increase in 1844	4,594 01
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The amount paid into the Treasury during the years 1843 and 1844, from the sale and redemption of lands forfeited to the State for taxes, was twenty five thousand two hundred twelve dollars fifty cents. The larger portion of this belonged to the Canal fund, but, as the taxation in many cases ran through a number of years, with different rates of assessment, and, in the great majority of cases, those

years, with the tax for each, not designated by the county officers, it was impossible to make an apportionment. The revenue being full, I accordingly transferred the whole amount to the Canal fund. The transfer is of the ordinary kind, and has been made permanent.

The depreciated funds in the Treasury have been reduced two thousand five hundred six dollars fifty four cents, during the past year, by the payment of the certificate held against the Bank of Cleveland. No other collections have been made.

The last General Assembly made an appropriation of one thousand dollars for repairs to State house and public offices. This has been expended in putting a new roof upon the State house, and repairing the cupola. The roofing upon the public offices has been completed. A new outbuilding has been erected; and a room added to each of the offices of the Treasurer and Auditor of State, which had become indispensable, from the increase of the public business. In addition to these, some repairs have been made to the fences, &c., on the public grounds. The appropriation, it will be observed, has been overdrawn \$7 30, and there are some small bills unpaid, amounting to something less than one hundred dollars. In appropriating this, I would respectfully suggest the propriety of adding to it a sufficient amount to renew the fence enclosing the space immediately in the rear of the State house and offices. Unless this be done, the ground will very soon become an open common. The amount required for this purpose, will not, probably, exceed one hundred and fifty dollars.

The Three per cent. fund stands as reported last year. During the last spring, I visited Washington City, on my return from New York, in order to procure, if practicable, a final adjustment of the accounts, in this fund, between the State and General government. This I found a matter of utter impracticability. The accounts for the fund accruing on the sales at the Cincinnati Land Office, are still unadjusted, as between the States of Ohio and Indiana, and their final settlement must be a work of great labor.

There is, in the U. S. Treasury, a small amount to our credit, but probably, not more than sufficient to cover our overdraft on the fund heretofore, which, accruing at the Cincinnati Land Office, was apportioned to this State, but, in reality, belonged to the State of Indiana. The old claim for deductions made in 1824, as expenses for the surveys of the lands, was again pressed upon the consideration of the Treasury Department; but there are so many obstacles in the way, growing out of the mode in which the accounts have been kept, and the destruction of other papers by the burning of the Treasury Department, that I fear the claim, though undoubtedly just in its character, cannot be presented and sustained in such a manner as to insure its payment.

In all matters connected with the State revenues, our financial system, during the past year, has gone forward with great regularity; and, in the matter of details, I have no suggestions to offer, or amendments to propose. I cannot, however, consider my duty fully discharged, without again calling to your attention, and pressing upon

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your consideration, two matters of importance, connected with, and, indeed, forming the basis of the whole system itself. I allude, first, to the adoption of the principle of a cash valuation, as the basis of taxation; and, secondly, to a thorough change in the laws for the sale of lands delinquent or forfeited for taxes, so as to render them efficient in their character. In all my former reports I have alluded to these points; but, more particularly in my last, I took occasion to present my views upon them at some length. I have nothing to add, on this occasion, to former arguments. As a matter of justice to the taxpayers of the State, this change in our financial policy is, in my opinion, one of great importance, whilst, to the finances of the State, it must, very soon, become one of stern necessity.

DEPARTMENT OF PUBLIC WORKS.

GENERAL REVENUE.

Amount paid into the State Treasury by the Fund Commissioners, as proceeds of loans, and appropriated to the various public works of the State.....	\$549,390 33
By amount paid from the State Treasury to the disbursing agent, upon the drafts of the Fund Comm'rs..	<u>549,390 33</u>

MUSKINGUM IMPROVEMENT.

Balance in hands of disbursing agent, Nov. 15, 1843...	\$6,760 20
The amount paid disbursing agent during the year ending Nov. 15, 1844, viz:	
From loans.....	\$31,324 92
From tolls	9,711 90
	<u>41,036 82</u>
Total.....	\$47,797 02
By amount disbursed by said agent during the year..	<u>47,797 02</u>

MIAMI, AND MIAMI EXTENSION CANALS.

Balance in hands of disbursing agent, Nov. 15, 1843..	\$23,878 13
The amount paid disbursing agent during the year ending Nov. 15, 1844, viz:	
From loans	\$114,701 29
From tolls	25,667 57
Issue of domestic bonds....	190,000 00
	<u>330,368 86</u>
Total	\$354,246 99
By amount disbursed during the year, to wit:	
On contracts and repairs	\$164,246 99
On contract of P. W. Taylor & Co.	190,000 00
	<u>354,246 99</u>

OHIO CANAL.

Balance in hands of disbursing agent, Nov. 15, 1843..	\$27 91
The amount paid said agent during the year ending Nov. 15, 1844	104,282 38
Total	<u>\$104,310 29</u>
By amount disbursed by said agent during the year...	<u>104,310 29</u>

WABASH AND ERIE CANAL.

Balance in hands of disbursing agent, Nov. 15, 1843..	\$6,868 57
The amount paid said agent during the year ending Nov. 15, 1844, viz:	
From loans	\$118,000 00
From tolls	4,500 00
	<u>122,500 00</u>
Total	<u>\$129,368 57</u>
By amount disbursed by said agent during the year....	<u>129,364 46</u>
Balance in hands of disbursing agent, Nov. 15, 1844	<u>\$4 11</u>

WESTERN RESERVE AND MAUMEE ROAD.

Balance in hands of disbursing agent, Nov. 15, 1843....	\$4,381 18
The amount paid said agent during the year ending Nov. 15, 1844, viz:	
From loans	16,337 96
Total	<u>\$20,719 14</u>
By amount disbursed by said agent during the year....	<u>17,001 56</u>
Balance in hands of disbursing agent, Nov. 15, 1844,	<u>\$3,717 58</u>

WALHONDING CANAL.

Balance in hands of disbursing agent, Nov. 15. 1843.....	\$3,510 35
The amount disbursed by said agent during the year ending Nov. 15, 1844.....	3,400 00
Balance in hands of said agent, Nov. 15, 1844..	<u>\$110 35</u>

HOCKING CANAL.

Balance in hands of disbursing agent, Nov. 15, 1843....	\$25,059 70
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The amount paid said agent during the year ending
Nov. 15, 1844, viz:

From loans.....	\$30,898 45	
From tolls.....	2,905 38	
		<u>33,803 83</u>
Total		\$58,863 53
By amount disbursed by said agent during the year....		<u>54,868 39</u>
Balance in hands of said agent, Nov. 15, 1844..		<u><u>\$3,995 14</u></u>

WARREN COUNTY CANAL.

Balance in hands of disbursing agent, Nov. 15, 1843....	\$1,353 31
Same balance existing, Nov. 15, 1844.	

TURNPIKE COMPANIES.

The amount paid disbursing agent, in Ohio Turnpike stock, during the year ending Nov. 15, 1844.....	\$48,127 72
By amount disbursed by said agent during the year....	<u>48,127 72</u>

EXPENSE ACCOUNT.

Balance in hands of disbursing agent, Nov. 15, 1843....	\$43 91 5
The amount paid said agent during the year ending Nov. 15, 1844....	1,269 76 0
	<u>Total.....</u>
	\$1,313 67 5
By amount disbursed by said agent during the year....	<u>1,219 21 0</u>
Balance in hands of agent, Nov. 15, 1844.....	<u><u>\$94 46 5</u></u>

INTEREST ON DOMESTIC BONDS.

The amount paid State Treasurer, from canal fund, for the payment of interest on domestic bonds, during the year ending Nov. 15, 1844..	\$40,000 00
Amount due State Treasurer, Nov. 15, 1843..	\$4,035 91 5
Amount paid by said Treasurer during the year ending Nov. 15, 1844.....	33,766 07 5
	<u>37,801 99</u>
Balance in hands of State Treasurer, Nov. 15, 1844..	<u><u>\$2,198 01</u></u>

WABASH AND ERIE CANAL LANDS.

Balance in Treasury, Nov. 15, 1843.....	\$783 12
Amount arising from sales of lands during the year ending Nov. 15, 1844.....	32,707 84
Total.....	<u>\$33,490 96</u>
By amount of Ohio domestic bonds, and in- terest thereon, received at said sales	\$7,114 14
Amount of incidental expenses and commis- sions	702 27
Amount paid claimants for improvements..	600 00
Amount paid Charles Bucklin, under act of General Assembly	314 67
Amount drawn to State Treasurer, for the redemption of Wabash and Erie land bonds	24,759 88
	<u><u>33,490 96</u></u>

MIAMI EXTENSION CANAL LANDS.

The amount received for sales of said lands, during the year ending Nov. 15, 1844	\$3,117 47
Amount of Ohio domestic bonds, and inter- est, received at said sale	\$619 88
Amount of incidental expenses and commis- sions	86 34
Amount refunded C. Huber, under act of 1843.....	16 46
Amount refunded J. Patterson, under act of 1844.....	90 65
Amount drawn to State Treasurer, for re- demption of Miami Extension land bonds,	2,608 00
	<u>3,421 33</u>
Amount overdrawn.....	<u><u>\$303 86</u></u>

REDEMPTION OF OHIO DOMESTIC BONDS.

TURNPIKE STOCK.

Amount paid Treasurer of State from Surplus Revenue, for redemption of said bonds, during the year ending Nov. 15, 1844.	\$58,575 31
Amount redeemed during the year.....	55,408 01
Balance in hands of State Treasurer.....	<u><u>\$3,167 30</u></u>

WABASH AND ERIE LAND BONDS.

Amount of bonds paid into the State Treasury from sales of lands, during the year ending Nov. 15, 1844,	\$7,114 14
Amount paid State Treasurer, from Wabash and Erie land fund, for redemption of bonds.....	24,759 88
Total.....	<u>\$31,874 02</u>
Amount received for lands, and delivered to Auditor of State to be canceled.....	\$7,114 14
Amount redeemed by Treasurer during the year.....	21,003 00
	<u>28,117 14</u>
Balance in hands of State Treasurer.....	<u><u>\$3,756 88</u></u>

FAITH AND CREDIT BONDS.

Amount paid State Treasurer, from Sec. 16, irreducible, for redemption of bonds.....	\$200 00
Amount of bonds redeemed.....	<u>200 00</u>

MIAMI EXTENSION LAND BONDS.

Amount of bonds paid into State Treasury from sales of lands during the year ending Nov. 15, 1844.....	\$619 88
Amount paid State Treasurer from Miami Extension land fund for redemption of bonds.....	2,608 00
Total.....	<u>3,227 88</u>
Amount received for lands and delivered to the Auditor of State to be canceled..	\$619 88
Amount redeemed by Treasurer during the year.....	2,608 00
	<u><u>3,227 88</u></u>

INTEREST ACCOUNT.

Amount charged to Fund Commissioners, Nov. 15, 1843.....	\$2,263,766 44 0
Amount paid them during the year ending Nov. 15, 1844	1,003,360 85 2
	<u><u>\$3,267,127 29 2</u></u>

RECAPITULATION.

Balances in hands of disbursing agent, Nov. 15, 1844.	
Wabash and Erie Canal.....	\$ 4 11 0
Western Reserve and Maumee Road	3,717 58 0
Walhonding Canal.....	110 35 0
Hocking Canal.....	3,995 14 0
Warren County Canal.....	1,353 31 0
Expense Account.....	94 46 5
Interest on domestic bonds.....	2,198 01 0
	<u>\$11,472 96 5</u>

Total amount of Bonds redeemed, viz:	
Ohio Turnpike Stock	\$55,408 01
Wabash and Erie Land Bonds.....	28,117 14
Miami Extension.....	3,227 88
Faith and Credit.....	200 00
	<u>\$86,953 03</u>

Balances in hands of Treasurer of State applicable to the redemption of Bonds, viz:	
Ohio Turnpike Stock.....	\$3,167 30
Wabash and Erie Land Bonds	3,756 88
	<u>\$6,924 18</u>

CANAL FUND.

The amount arising from Collections of Canal revenue during the year ending Nov. 15, 1844.	\$632,926 52 5
The amount arising from tolls, fines and water rents, on the Ohio Canal, and paid into the State Treasury, during the year ending Nov. 15, 1844.....	338,367 31 0
The amount arising from tolls, fines, and water rents, on the Miami Canal, and paid into the State Treasury, during the year ending Nov. 15, 1844	74,904 20 0
The amount arising from tolls, fines, and water rents, on the Wabash and Erie Canal, and paid into the State Treasury, during the year ending Nov. 15, 1844.....	49,266 56 0
The amount arising from tolls, fines, and water rents, on the Muskingum Improvement, and paid into the State Treasury, during the year ending Nov. 15, 1844.....	28,241 11 0

The amount arising from tolls, fines, and water rents, on the Miami Extension Canal, and paid into the State Treasury, during the year ending Nov. 15, 1844.....	\$12,053 18 0
The amount arising from tolls, fines, and water rents, on the Hocking Canal, and paid into the State Treasury, during the year ending Nov. 15, 1844.....	4,925 90 0
The amount arising from tolls, fines, and water rents, on the Walhonding Canal, and paid into the State Treasury, during the year ending Nov. 15, 1844.....	1,918 44 0
The amount arising from tolls, on the Western Reserve and Maumee Road, and paid into the State Treasury, during the year ending Nov. 15, 1844.....	5,817 13 0
The amount arising from Turnpike and Canal dividends, for the year ending Nov. 15, 1844....	29,456 01 0
The amount of General Revenue transferred to Canal fund.....	33,264 47 9
The amount arising from donations.....	3,274 92 0
The amount arising from sale of Ohio lands.....	98 00 0
The amount arising from School Section sixteen, and transferred to Canal fund.....	15,228 65 0
The amount arising from Ministerial Section twenty nine, and transferred to Canal fund.....	2,606 79 5
The amount arising from Virginia Military School lands, and transferred to Canal fund	983 67 0
The amount arising from United States Military School lands, and transferred to Canal fund ..	5 74 3
Amount of over-draft on Section sixteen.....	15 55 0
	<hr/>
	\$1,233,354 17 2
By amount paid Fund Commissioners on account of interest on the public debt.....	\$1,003,360 85 2
By amount paid Joseph Whitehill for interest on domestic bonds.....	40,000 00 0
By amount paid for superintendence, repairs, and award of damages on the Ohio canal..	104,282 38 0
By same, on the Miami and Miami Extension.....	25,667 57 0
By same, on Wabash and Erie canal	4,500 00 0
By same, on the Muskingum Improvement	9,711 90 0
By same, on the Hocking canal.	2,905 38 0

By same, for expenses of fund board.....	\$ 1,200 00 0	
By same, for the redemption of Ohio domestic bonds	1,215 84 0	
By same, for Morris Seely.....	15,317 00 0	
By same, for Abner Enoch.....	193 25 0	
By amount transferred to sinking fund.....	25,000 00 0	
	<hr/>	<u>\$1,233,354 17 2</u>

OHIO CANAL.

The amount received from tolls, fines, and water rents, the year ending Nov. 15, 1844.....		\$338,367 31
By amount paid for superintendence and repairs.....	\$104,282 38	
By amount paid Fund Commissioners for interest account..	234,084 93	
	<hr/>	<u>\$338,367 31</u>

MIAMI AND MIAMI EXTENSION CANAL.

The amount of tolls, fines, and water rents, received from the Miami Canal, during the year ending Nov. 15, 1844..	\$74,904 20	
The same, from the Miami Extension Canal.....	12,053 18	
	<hr/>	\$86,957 38
By amount paid for superintendence and repairs on the two works.....	\$25,667 57	
By amount of judgment and costs in case of Morris Seely v. State of Ohio.....	15,317 00	
By amount of costs in case of Abner Enoch v. the State of Ohio	193 25	
By amount paid Fund Commissioners on account of interest	45,779 56	
	<hr/>	<u>\$86,957 38</u>

WABASH AND ERIE CANAL.

The amount of tolls, fines, and water rents, received the year ending Nov. 15, 1844.....	\$49,266 56
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By amount paid for superintendence and repairs.....	\$4,500 00	
By amount paid Fund Commissioners on account of interest	44,766 56	
		<u>\$49,266 56</u>

HOCKING CANAL.

The amount of tolls, fines, and water rents, received the year ending Nov. 15, 1844.....		\$4,925 90
By amount paid for superintendence and repairs.....	\$2,905 38	
By amount paid Fund Commissioners on account of interest	2,020 52	
		<u>\$4,925 90</u>

WALHONDING CANAL.

The amount of tolls, fines, and water rents, received the year ending Nov. 15, 1844		\$1,918 44
By amount paid Fund Commissioners on account of interest.....		<u>1,918 44</u>

MUSKINGUM IMPROVEMENT.

The amount of tolls, fines and water rents received the year ending Nov. 15, 1844.		\$28,241 11
By amount paid for superintendence and repairs	\$9,711 90	
By amount paid Fund Commissioners, on account of interest	18,529 21	
		<u>\$28,241 11</u>

WESTERN RESERVE AND MAUMEE ROAD.

The amount of tolls received during the year ending Nov. 15, 1844.....		\$5,817 13
By amount paid Fund Commissioners, on account of interest		<u>5,817 13</u>

TURNPIKE AND CANAL DIVIDENDS.

State's proportion of dividend declared by the Pennsylvania and Ohio Canal.....		\$4,200 00
Same, Colerain, Oxford and Brookville Turnpike Co.....		4,720 76
Same, Dayton and Springfield Turnpike Co.....		<u>2,218 00</u>

Same, Cincinnati, Columbus and Wooster Turnpike Co.	\$4,737 50
Same, Dayton, Centreville and Lebanon Turnpike Co.	1,593 20
Same, Cincinnati and Harrison Turnpike Co.	4,732 75
Same, Ripley and Hillsborough do.	104 80
Same, Cincinnati, Lebanon and Springfield Turnpike Co.	5,359 50
Same, Hamilton, Rossville, Somerville, Newcomb and Eaton Turnpike Co.	1,789 50
Total.....	<u>\$29 458 01</u>

SINKING FUND.

The amount transferred from collections of revenue.....	\$25,000 00
The amount received from the Ohio Life Insurance and Trust Co.	2,520 00
The amount received from the Farmers' and Mechanics' Bank of Steubenville... ..	1,000 00
	<u>\$28,520 00</u>
By amount paid Fund Commissioners, for purchase of Ohio six per cent. stock... ..	\$25,212 50
Balance in treasury, Nov. 15, 1844.....	<u>\$3,307 50</u>

Owing to the great labor of making the payments last year, on the public works, to which I alluded in my last report, my own and the treasurer's reports, were both made from balance sheets, and before the labor of closing up the books was completed. The consequence was, that notwithstanding the great care that was taken, there were three errors in the balances remaining in the hands of the disbursing agent, viz:

Wabash and Erie Canal, reported \$6,878 57 corrected \$6,868 57	
Western Reserve and Maumee Road, reported.....	3,981 18 do. 4,381 18
Hocking Canal, reported....	25,059 34 do. 25,059 70

The books of both offices are correctly made up, and the true amounts of balances shown in both the reports of the present year.

A comparison of the statements of the canal fund in the foregoing report, with those of last year, shows that there has been an increase this year, in the revenue of the—

Ohio Canal, of.....	\$25,255 97
Miami Canal	13,972 49

Wabash and Erie Canal.....	\$16,793 04
Muskingum Improvement.....	7,486 35
Miami Extension Canal.....	4,807 75
Hocking Canal.....	976 90
Walhonding Canal.....	1,308 12
Western Reserve and Maumee Road.....	2,972 45
Total.....	<u>\$73,573 07</u>
And a decrease in turnpike and canal dividends of.....	<u>1,254 58</u>
Nett increase.....	<u>\$72,318 49</u>
The decrease of 1843 upon 1842, was.....	<u>35,078 18</u>
Showing an increase of 1844 upon 1842, of.....	<u>\$37,240 31</u>
The decrease on the Ohio Canal, in 1843, upon 1842, was.....	<u>\$83,912 70</u>
Deduct increase of 1844.....	<u>25,256 97</u>
Decrease on Ohio Canal, of 1844, upon 1842.....	<u><u>\$58,656 73</u></u>

There was a heavy breach, during the season, upon the Indiana branch of the Wabash and Erie Canal, which had a very material influence upon that part of the work lying in this State. The revenues of the canal are, however, steadily increasing, and will form, this year, an important branch of the canal fund.

The Miami Extension Canal is not yet completed, but it is understood that it will be ready for the opening of spring navigation. This work may possibly slightly impair the revenues of the Ohio Canal, but in the aggregate, the tolls must be very considerably increased.

The last General Assembly fixed the taxation for State purposes, at one mill on the dollar, being a reduction of one-half mill from 1843. Under the provisions of the acts of 1825 and 1837, I added this one-half mill to the canal tax of 1844, making the levy five and one-half mills and leaving the aggregate the same, seven mills, on the dollar. This will increase the canal revenue of the current year, say sixty thousand dollars, which, together with the tolls on the Miami Extension Canal, will leave the interest fund with a surplus. It would, however, be wise policy to maintain a surplus of that fund for at least two years, in order to relieve it from all contingency of embarrassment, and reinstate the sinking fund.

The decrease in the turnpike and canal dividends does not militate against the works themselves. The amount last year, was rendered large by the payment of some back dividends, which had been under protest, and otherwise in suspense. More than the whole amount of the decrease this year, has been in the dividend on the Pennsylvania and Ohio Canal, showing an increase in those of the turnpike roads, even over last year's payments.

Settlements have been completed during the year, and payments made in Ohio domestic stock, under the act of 1843, to the following turnpike companies:

Zanesville and Maysville	\$16,634 03
Dayton Western	17,035 11
Ripley and Hillsborough	6,567 99
And there has been redeemed in like manner, outstanding warrants, viz:	•
Zanesville and Maysville	6,419 81
Portsmouth and Columbus	928 28
Dayton Western	542 50
Making a total of	<u>\$48,127 72</u>

The settlements are all, I believe, completed, with the companies, and in most of the cases, certificates have been taken for the stock held by the State. In the others, they will be early called for and procured. There are still outstanding, the following exchange warrants, for which, with the interest, stock must be issued on presentation:

Zanesville and Maysville	\$500 00
Portsmouth and Columbus	1,000 00
Total	<u>\$1,500 0</u>

There are suits still pending against the Great Miami, and the Hamilton, Springfield and Carthage companies to recover, and secure the State dividends upon the stock, under the pledge of the original act, of the tolls to the interest fund.

There has been paid during the year, on the defalcation of Wilson Baker, late collector at Circleville, by his securities, thirteen hundred sixty three dollars forty eight cents; and there is still due eighteen hundred twenty three dollars twenty one cents, with interest and costs.

The securities of L. P. Buckley, late collector at Akron, have paid during the year four hundred twenty five dollars, leaving due three thousand five hundred sixty dollars fifty cents, of the principal. The payment has not been made this year, in full, in accordance with the special act extending time to the securities in this case. In both cases the amount is in judgment, and the State is amply secured.

There has been paid back from the several counties, during the year, fifty eight thousand five hundred twenty three dollars sixty six cents of principal of Surplus Revenue, which has been appropriated to the redemption of Ohio Domestic Turnpike Bonds. The payments this winter will probably amount to sixty thousand dollars, which will be appropriated in the same manner.

The following is the condition of the domestic stock as it existed on the 15th November, 1844.

Miami Canal Extension issue	\$249,230 16	
Redeemed, viz—		
Land Bonds.....	\$23,153 00	
Faith and Credit.....	400 00	
	<hr/>	23,553 00
		<hr/>
		\$225,677 16
Same on contract of P. W. Taylor & Co.....		227,500 00
Wabash and Erie Canal issue.....	\$90,456 50	
redeemed.....	68,969 00	
	<hr/>	21,487 50
Turnpike bonds issue	\$296,870 48	
redeemed.....	56,427 74	
	<hr/>	240,442 74
Hocking Canal issue.....		10,700 00
Walhonding Canal issue		812 13
Muskingum Improvement issue.....		7,949 83
Western Reserve and Maumee Road.....		300 00
		<hr/>
Total outstanding		<u>\$734,869 36</u>

The sales of Wabash and Erie lands will, most probably, sink the remaining portion of the bonds issued on that work, by the first of March, next; and the Miami Extension lands are gradually sinking the bonds which are based upon them. Of the Wabash and Erie land fund there will be an excess, after the redemption of the bonds, which should in justice go to the sinking fund, for investment in the State stock. There is an account between the General Government and the State for lands sold by the former, (belonging to the latter,) under the treaty with the Ottawa Indians, upon which a payment was made last year, and which is in progress of final adjustment.

There was a discrepancy last year in relation to the debt of the State, between my own and the report of the Fund Commissioners. The books of the Fund Board are not yet closed, but from the most reliable sources I have compiled the following statement of the debt, as it will exist on the first of January next, which will probably be found accurate:

FOREIGN DEBT.

		Interest.
5 per cent. stock, redeemable in 1850,	\$400,000 00	\$20,000 00
5 per cent. stock, redeemable in 1856,	150,000 00	7,500 00
6 per cent. stock, redeemable in 1850,	4,043,658 76	242,619 53
6 per cent. stock, redeemable in 1856,	3,412,779 24	204,766 75
6 per cent. stock, redeemable in 1860,	6,855,181 00	411,310 86
6 per cent. stock, redeemable in 1870,	667,063 50	40,023 81
7 per cent. stock, redeemable in 1850,	1,500,000 00	105,000 00
Total.....	17,028,682 50	1,031,220 95
Deduct sinking fund stock.....	83,000 00	4,980 00
Balance.....	16,945,682 50	1,026,240 95

DOMESTIC DEBT.

Amount due the several school funds	\$1,424,842 64	\$86,830 14
Outstanding domestic bonds.....	734,869 36	44,092 16
Surplus Revenue paid in by counties	59,523 66	3,571 42
Same, loaned by State of counties..	82,401 61	4,944 10
Domestic scrip, of various kinds..	29,432 01	1,765 92
Grand total	<u>\$19,276,751 78</u>	<u>\$1,167,444 69</u>

In this amount is embraced the amount appropriated last winter for the payment of outstanding checks. It will be increased by the payment of the outstanding turnpike warrants fifteen hundred dollars, and interest, and the balance on the contract of P. W. Taylor & Co. ninety five thousand dollars.

Respectfully submitted,

JOHN BROUGH,
Auditor of State.

ANNUAL REPORT
OF THE
TREASURER OF STATE,
TO THE
FORTY THIRD GENERAL ASSEMBLY.

DECEMBER 4, 1844

REPORT.

TREASURY OFFICE, OHIO,
COLUMBUS, December 4, 1844.

To the Honorable General Assembly of the State of Ohio:

The Treasurer of State, in compliance with the duties assigned him by law, submits to the Honorable General Assembly of the State of Ohio the following statement of the receipts and disbursements of the public moneys, during the year ending November 15, 1844:

GENERAL REVENUE.

Balance in the Treasury, Nov. 15, 1843.....	\$94,974 28 1
Amount received from county treasurers.....	244,576 23 3
Amount received for taxes and forfeited lands.....	20,604 63 0
Amount received from sales of Collated Laws.....	443 00 0
Amount received from Jno. Patterson, Warden Ohio Penitentiary.....	10,918 71 0
Amount received from Matthew Johnson.....	398 72 0
Amount received from Samuel Galloway.....	139 00 0
Amount received from John Barnes.....	15 53 0
Amount received from Alexander Patten.....	10 00 0
Amount received from State of Ohio vs. Big Town..	39 70 0
Amount received from State of Ohio vs. Nappier.....	10 00 0
Amount received from peddlers' licenses.....	10 00 0

372,139 80 4

From which deduct the following amounts, viz:

Treasury bills redeemed	\$194,373 75 0
Transfers to Canal Fund.....	33,264 47 9
Transfers to State Common School Fund.....	11,513 04 1
	<u>239,151 27 0</u>

Balance in the Treasury, Nov. 15, 1844..... 132,988 53 4

State Common School Fund.

Balance remaining in the Treasury, Nov. 15, 1843..	\$42,049 50 5
Interest on Surplus Revenue ..	101,156 69 2
Collections on the Grand Levy.....	66,329 03 8
Tax on Banks, Insurance, and Bridge companies.....	14,150 07 0
Transfers from General Revenue.....	11,513 04 1
Interest on Common School Fund.....	2,451 84 9
	<hr/>
	237,650 19 5
Deduct amount paid County Treasurers.....	201,917 04 2
	<hr/>
Balance in the Treasury, Nov. 15, 1844.....	<u>35,733 15 3</u>

Section Sixteen—Reducible.

Interest on the Irreducible fund, up to Jan. 1, 1844..	56,133 92 3
Deduct amount paid County Treasurers	<u>56,133 92 3</u>

Virginia Military School Fund—Reducible.

Balance in the Treasury, Nov. 15, 1843	\$3,762 67 0
Rents of Virginia Military School Lands	3,870 07 0
Interest on the Irreducible fund, up to Jan. 1, 1844..	7,956 00 5
	<hr/>
	15,588 74 5
Deduct amount paid County Treasurers	\$11,626 27 7
Deduct amount transfer to U. S. Military School fund	92 39 8
	<hr/>
	11,718 67 5
	<hr/>
Balance in the Treasury, Nov. 15, 1844	<u>3,870 07 0</u>

United States Military School Fund—Reducible.

Interest on the Irreducible fund, up to Jan. 1, 1844..	\$7,149 76 8
Amount transferred from Virginia Military School Fund.....	92 39 8
	<hr/>
	7,242 16 6
Deduct amount paid county treasurers.....	<u>7,242 16 6</u>

Connecticut Western Reserve School Fund.

Amount of interest on the Irreducible fund, up to Jan. 1, 1844	\$9,519 54
Deduct amount paid county treasurers	<u>9,519 54</u>

Section Twenty Nine—Reducible.

Interest on the Irreducible fund, up to Jan. 1, 1844,	\$1,006 52 5
Deduct amount paid county treasurers	<u>1,006 52 5</u>

Ohio University Fund—Reducible.

Interest on the Irreducible fund, up to July 1, 1844,	\$113 84
Deduct amount paid Ohio University	<u>113 84</u>

Commercial Hospital and Lunatic Asylum—Cincinnati.

For amount received of the counties of Highland and Darke	\$186 14
Deduct amount paid treasurer of Hamilton county..	<u>186 14</u>

Surplus Revenue.

Balance in the Treasury, Nov. 15, 1843	\$51 67
Amount received from county treasurers	58,523 66
	<u>58,575 33</u>
Deduct amount paid J. Whitehill, Treasurer of State, for the redemption of Turnpike Bonds	<u>58,575 33</u>

Surplus Revenue Interest Fund.

Balance in the Treasury, Nov. 15, 1843	\$88 95 0
Amount received from county treasurers	289 64 4
Amount received from Fund Commissioners	1,779 32 1
Amount of Auditor of State's draft on Canal fund...	12 00 0
	<u>2,169 91 5</u>
Deduct amount paid county treasurers	<u>2,138 69 1</u>
Balance remaining in the Treasury, Nov. 15, 1844..	<u>31 22 4</u>

Ohio Canal Fund.

Amount received from county treasurers, being collections of revenue	\$632,926 52 5
Amount received from collectors of tolls	338,367 31 0
Amount transferred from general revenue	33,264 47 9
Amount arising from turnpike and canal dividends..	29,458 01 0
Amount received of Thomas Worthington	3,274 92 0
Amount received from sale of Ohio Canal lands....	98 00 0
Amount received from sale of section sixteen.....	15,228 65 0
Amount received from sale of Virginia Military School lands	983 67 0
Amount received from sale of U. States Military School lands	5 74 3
Amount received from sale of section twenty nine...	2,606 79 5
Total.....	1,056,212 10 2
Amount of draft drawn on said fund.....	1,056,227 65 2
Overdraft Nov. 15, 1844	<u>15 55 0</u>

Miami Canal.

Amount received from collectors of tolls	\$74,904 20
Deduct amount of draft drawn on said fund.....	<u>74,904 20</u>

Wabash and Erie Canal.

Amount received from collectors of tolls	\$49,266 56
Deduct amount of drafts drawn on said fund	<u>49,266 56</u>

Miami Canal Extension.

Amount received from collectors of tolls	\$12,053 18
Deduct amount of drafts drawn on said fund.....	<u>12,053 18</u>

Muskingum Improvement.

Amount received from collectors of tolls	\$28,241 11
Deduct amount of drafts drawn on said fund	<u>28,241 11</u>

Hocking Canal.

Amount received from collectors of tolls	\$4,925 90
Deduct amount of drafts drawn on said fund.....	<u>4,925 90</u>

Walkonding Canal.

Amount received from collectors of tolls	\$1,918 44
Deduct amount of drafts drawn on said fund.....	<u>1,918 44</u>

Western Reserve and Maumes Road.

Amount received of collectors of tolls	\$5,817 13
Deduct amount of drafts drawn on said funds	<u>5 817 13</u>

National Road.

Amount received of John Yontz, Resident Engineer..	\$30,801 63
Deduct amount paid John Yontz, Resident Engineer,	<u>30,801 63</u>

Canal Sinking Fund.

Amount transferred from Canal fund.....	\$25,000 00
Amount received from Fund Commissioners.....	3,520 00
	<u>\$28,520 00</u>
Deduct amount of drafts drawn on said fund.....	25,212 50
	<u>\$3,307 50</u>

Wabash and Erie Canal Land Fund.

Balance in the Treasury, Nov. 15, 1843	\$ 783 12
Amount received of C. C. P. Hunt, receiver at Perysburg, (in cash)	14,752 34
Amount received of C. C. P. Hunt, receiver at Perysburg, (in bonds)	6,051 08
Amount received of J. Cunningham, receiver at Lima, (in cash).....	9,539 09
Amount received of J. Cunningham, receiver at Lima, (in bonds).....	1,063 08
	<u>\$32,188 69</u>
Deduct from the above the following amount, viz:	
Bonds received of C. C. P. Hunt, receiver	\$ 6,051 08
Bonds received of J. Cunningham, receiver	1,063 08
Amount of drafts drawn on said fund.....	<u>25,074 55</u>
	<u><u>\$32,188 69</u></u>

Miami Canal Land Fund.

Amount received of J. Cunningham, receiver at Lima, (in cash).....		\$2,394 79
Amount received of J. Cunningham, receiver at Lima, (in bonds).....		619 88
		<u>\$3,014 67</u>
Amount of drafts drawn on said fund.	\$2,698 65	
Amount of bonds received of J. Cunningham, receiver.....	619 88	
		<u>3,318 53</u>
Overdraft, Nov. 15, 1844.....		<u><u>\$303 86</u></u>

Three Per Cent. Fund.

Balance remaining in the Treasury Nov. 15, 1841..	<u><u>\$195 63</u></u>
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Turnpike Bonds.

Amount received of J. Whitehill, Treasurer of State	\$58,575 31
Deduct amount of bonds redeemed.....	55,408 01
	<u>3,167 30</u>
Balance in the Treasury Nov. 15, 1844..	<u><u>\$3,167 30</u></u>

Interest Fund.

Amount received of J. Whitehill, Treasurer of State.	\$44,613 10 0
Deduct the following amounts, viz:	
Amount of overdraft Nov. 15, 1843.	\$3,107 97 5
Amount of interest checks paid.....	33,760 08 0
Amount of interest paid G. Swan....	3,115 10 0
Amount of interest paid H. Buckingham & Co.....	120 00 0
Amount of interest paid D. W. Deshler	268 38 0
Amount of interest paid W. H. Adams	286 02 0
Amount of interest paid Trumbull county.....	1,663 00 0
	<u>42,326 55 5</u>
Balance in the Treasury, Nov. 15, 1844.....	<u><u>\$2,286 54 5</u></u>

Recapitulation.

Balances remaining in the Treasury, Nov. 15, 1844.

General Revenue.....	\$132,988 54 4
State Common School Fund	35,733 15 3
Virginia Military School Fund	3,870 07 0
Surplus Revenue Interest Fund ..	31 22 4
Canal Sinking Fund.....	3,307 50 0
Turnpike Bonds.....	3,167 30 0
Three per cent. Fund.....	195 63 0
Interest Fund.....	2,286 54 5
	<hr/>
	181,579 96 6

From which deduct the following overdrafts, viz:

Ohio Canal Fund.....	\$15 55
Miami Canal Land Fund	303 86
	<hr/>
	319 41 0
	<hr/>
Total balance.....	<u><u>\$181,260 55 6</u></u>

PUBLIC WORKS.

Revenue for Public Works.

Amount received of commissioner of Ohio Canal Fund.....	\$549,590 35
Deduct the amount appropriated as follows, viz:	
Miami Canal Extension.....	\$304,701 28
Wabash and Erie Canal.....	118,000 00
Muskingum Improvement.....	31,324 92
Hocking Canal.....	30,898 45
Western Reserve and Maumee Road	16,337 96
Turnpike Companies.....	48,127 72
	<hr/>
	<u><u>549,390 33</u></u>

Miami Canal Extension.

Balance in the Treasury, Nov. 15, 1843.....	\$12,356 42
Amount received from Fund Commissioners.....	327,283 43
	<hr/>
	\$339,639 85
Deduct amount disbursed on said work.....	<u><u>339,639 85</u></u>

Miami Canal.

Balance in the Treasury, Nov. 15, 1843.....	\$11,521 70 6
Amount received from Fund Commissioners.	3,085 43 5
	<hr/>
	\$14,607 14 0
Deduct amount disbursed on said work.....	14,607 14 0
	<hr/> <hr/>

Wabash and Erie Canal.

Balance in the Treasury, Nov. 15, 1843.....	\$6,868 57
Amount received from Fund Commissioners.....	122,500 00
	<hr/>
	129,368 57
Deduct amount disbursed on said work.....	129,364 46
	<hr/>
Balance in the Treasury, Nov. 15, 1844	\$4 11
	<hr/> <hr/>

Ohio Canal.

Balance in the Treasury, Nov. 15, 1843.....	\$27 91
Amount received from Fund Commissioners.	104,282 38
	<hr/>
	\$104 310 29
Deduct amount disbursed.....	104,310 29
	<hr/> <hr/>

Hocking Canal.

Balance in the Treasury, Nov. 15, 1843.....	\$25,059 70
Amount received from Fund Commissioners....	33,813 83
	<hr/>
	58,963 53
Amount disbursed on said work.....	54,668 39
	<hr/>
Balance in the Treasury, Nov. 15, 1844	\$3,995 14
	<hr/> <hr/>

Muskingum Improvement.

Balance in the Treasury, Nov. 15, 1843.....	\$6,760 20
Amount received from Fund Commissioners.....	41,036 82
	<hr/>
	\$47,797 02
Deduct amount disbursed on said work.....	47,797 02
	<hr/> <hr/>

Walhonding Canal.

Balance in the Treasury, Nov. 15, 1843.....	\$3,510 35
Deduct amount disbursed.....	3,400 00
	<hr/>
Balance in the Treasury, Nov. 15, 1844.....	<u>\$110 35</u>

Warren County Canal.

Balance in the Treasury, Nov. 15, 1843.....	<u>\$1,353 31</u>
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Western Reserve and Maumee Road.

Balance in the Treasury, Nov. 15, 1843.....	\$4,381 18
Amount received from Fund Commissioners....	16,337 96
	<hr/>
	20,719 14
Deduct amount disbursed on said work.....	17,001 56
	<hr/>
Balance in the Treasury, Nov. 15, 1844.	<u>\$3,717 58</u>

Turnpike Companies.

Amount received from Fund Commissioners.....	\$48,127 72
Deduct amount disbursed to said companies.....	<u>48,127 72</u>

Expenses.

Balance in the Treasury, Nov. 15, 1843.....	\$43 91 5
Amount received of E. W. Hubbard, late Fund Commissioner.....	69 76 0
Amount received of Fund Commissioners.....	1,200 00 0
	<hr/>
	1,313 67 5
Amount of Fund Commissioners' expenses.....	<u>1,219 21 0</u>
	<hr/>
Balance in the Treasury, Nov. 15, 1844	<u>\$94 46 5</u>

Recapitulation.

Amount remaining in the Treasury, Nov 15, 1844.

Hocking Canal.....	\$3,995 14 0
Western Reserve and Maumee Road.....	3,717 58 0
Warren County Canal.....	1,353 31 0
Walhonding Canal.....	110 35 0
Wabash and Erie Canal.....	4 11 0
Expenses Fund.....	94 46 5
	<hr/>
	\$9,274 96 5
	<hr/>

Respectfully submitted.

JOSEPH WHITEHILL,
Treasurer of State.





